THE LOUISIANA HISTORICAL QUARTERLY

Vol. 27, No. 3

JULY, 1944

The Arkansas Post of Louisiana: Spanish Domination, by Stanley Faye.

Henry Clay Visits New Orleans, by Francis P. Burns.

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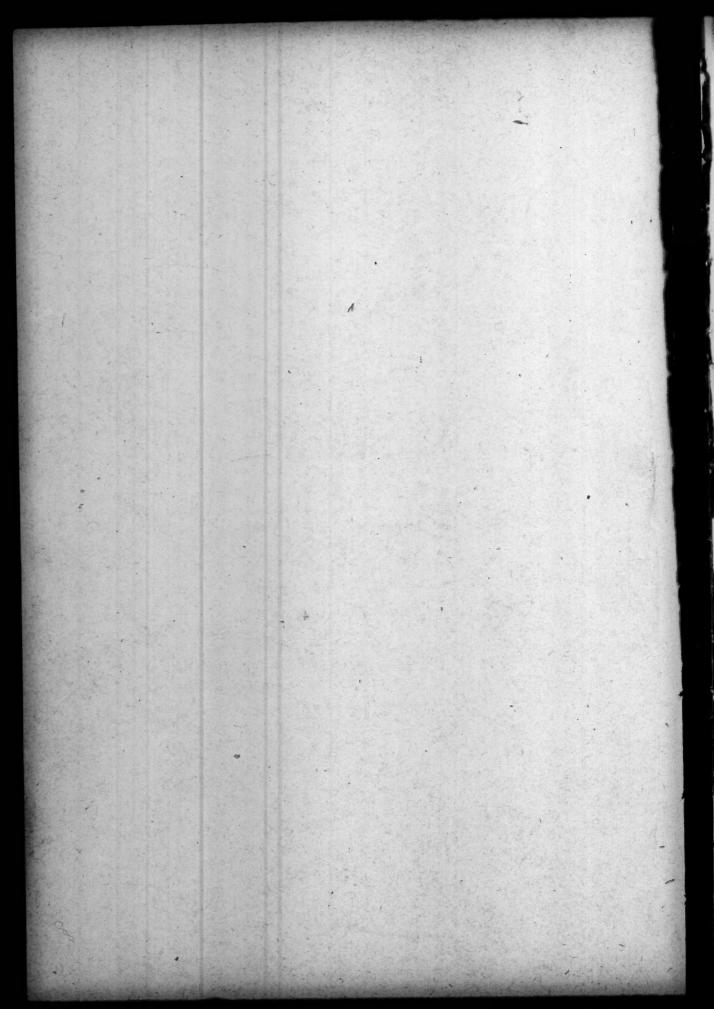
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THE ARKANSAS POST OF LOUISIANA: SPANISH DOMINATION

By STANLEY FAYE

CHAPTER I

AUX ARCS AND FORT CARLOS III

Arkansas Post beyond the right bank and Natchez on the left guarded French traffic on the Mississippi River during the Seven Years' War. Drafting of the Treaty of Paris in November, 1762, brought war to an end. The British within about seven months took possession of Pensacola, which Spain had ceded to them. The French had ceded Mobile and eastern Louisiana to the British, but they kept somewhat secret the gift they had made to Spain of all Louisiana west of the Mississippi River. Troops no longer needed for wartime defense of the colony they shipped back to the homeland under command of various officers.

One French cadet aspiring to a sublieutenancy, a handsome young man of good family bearing the name De Villiers, had come to Louisiana in 1749 after experience of three campaigns in Flanders.¹ It appears to be he who later signed his name as Ricard de Villiers and who as lieutenant and half-pay captain served France during many years at the Balize. In 1764 Captain Ricard de Villiers was ordered back to Europe,² but he returned

¹ Vaudreuil and Michel to the minister, July 30, 1749, Archives Nationales (Paris), Colonies, C¹⁸A, 34:22-22v.

Archive texts have been consulted as follows: Archives Nationales (Paris), photocopies and hand-written transcripts, Illinois Historical Survey, Urbana, Ill., and Library of Congress. Archivo General de Indias (Seville), Papeles procedentes de Cuba, typescripts, and also photocopies in two sets of bound volumes: Dispatches of the Spanish Governors (17 v.) and Archives of the Indies (4 v.), Ayer Collection, Newberry Library, Chicago. AGI, Audiencia de Santo Domingo, typescripts, Ayer Collection; negative photostats, Library of Congress. Archivo General de Simancas (Simancas, Spain), Archivo Nacional (Havana), Archivo General (México, D. F.), typescripts, Ayer Collection. Except to avoid confusion with texts from Simancas references to the Papeles de Cuba are made only by number of the legajo or parcel.

² Nancy Maria Miller Surrey, Calendar of Manuscripts in Paris Archives . . . (2 v.; Washington, 1926), II, 1469.

to join the Spaniards as Captain Balthazar de Villiers of the Battalion of Louisiana.³ It may be that before accepting a Spanish commission he had already married Francoise Voisin de Bonaventure.⁴

Captain de Villiers was among those many French officers of Louisiana who accepted the Spanish invitation⁵ to continue military service in the colony. When Athanaze de Mézières, at first only a captain of militia, succeeded him as commandant of Natchitoches under appointment of November, 1769,⁶ De Villiers retired to command of Pointe Coupée,⁷ lowermost of the "forest posts" on the Mississippi. Except for renewed service at Natchitoches during an absence of De Mézières, Balthazar de Villiers remained at Pointe Coupée until his transfer to Arkansas Post in 1776. As his nearest Spanish neighbor, fifteen leagues down the river, he found in 1771 his former successor at the Balize, Captain Charles Descoudreaux, who was beginning his two years of command at Manchac,⁸ the uppermost Spanish post on the left bank.

British troops had come to the Illinois Country of the left bank in 1765 and to Natchez and Manchac in 1766. The French Fort Panmure at Natchez they found capable of repair, but Fort Bute, a stockade 400 yards above Bayou Manchac, was a construction begun in that latter year. Next year the new Spanish governor in New Orleans reared the stockade San Gabriel de Manchac on his own side of the bayou. Another year, and the British withdrew the garrisons from both their forts; John

⁸ O'Reilly to Arriaga, Dec. 29, 1769, No. 25, AGI, AdeSD, 80-1-9. French officers of multiple name entering the service of Spain were permitted to use only one surname in official correspondence.

⁴ The lady's full name appears in Martin Navarro to Miró, Oct. 15, 1783, AGI, PdeC, Legajo 84.

⁵ No. 1, Colonia de la Luisiana, 1767 [digest of Governor Ulloa's reports], AdeSD, 86-6-6.

O'Reilly, Relancion que manifiesta los nombres de Tenientes de Governador y particulares de esta provincia elegidos por mí, Feb. 14, 1770, Legajo 1055; Herbert Eugene Bolton, ed., Athanaze de Mézières and the Louisiana-Texas Frontier, 1768-1780 (2 v.; Cleveland, 1914), I, 79-80. The empty title of lieutenant-governor and the honorary title of lieutenant-colonel, which had no military value, were given to De Mézières but not to his successors at Natchitoches.

⁷ Bolton, op. cit., I, 100.

⁸ Roscoe R. Hill, Descriptive Catalogue of the Documents relating to the History of the United States in the Papeles procedentes de Cuba deposited in the Archivo general de Indias at Seville (Washington, 1916), referring to Legajos 188-1, 188-2, 194 (d). In 1777 Descoudreaux asked for a year's furlough in order to revisit France: Gálvez to Josef de Gálvez, Aug. 9, 1777, No. 77, Archivo Nacional (Havana), letterbook. His name has not been found in post correspondence under later dates.

⁹ Thomas Hutchins, Historical Narrative and Topographical Description of Louisiana and West Florida (Philadelphia, 1784), 42.

Bradley of Natchez stayed on at Fort Panmure to begin a trading post and farming settlement if hostile Indians should let him live in peace. 10

From the more peaceful settlement of Pensacola came one of Pensacola's chief merchants, 11 Jean Blommart, a British subject though a native of Geneva in Switzerland.12 It may have been a grant gained by his visit to England in 1766¹³ that made him owner of 1,000 acres of land on the river front (Bayou Sara) extending into the Tunica swamp, which he was enjoying in 1770.14 Blommart's genial character served during Captain Descoudreaux' rule at San Gabriel to calm the hostile spirit of the Tunica and Pacana Indians, whose hatred of the British in Mobile had brought them westward to the Mississippi; at least one Pacana chief gave up his Spanish symbols of allegiance¹⁵ to accept a British medal.

Favorable relations with the Indians led Blommart in 1775. like a growing number of other colonists in succeeding years, to transfer to Natchez his family and his business as an Indian trader. There his Swiss mother, old but vigorous for her years, 16 cherished her two motherless granddaughters.¹⁷ In 1776 Blommart became a justice of the peace. 18 As early as the spring of that year he may have taken part in the breaches of Arkansas peace that trespassing traders from Natchez were committing at the mouth of White River, almost opposite the point on the Mississippi left bank where blazes on the trunk of a sweet gum tree marked the landing of their village or trading camp, the British Ozark.19

¹⁰ Ulloa to Grimaldi, Oct. 6, 1768, No. 1, AdeSD, 86-6-6. Josef de Orieta, a sub-lieutenant, commanded at Fort San Gabriel in 1768-1769. Upon evacuation of the post early in that latter year he took the garrison to Cuba, but returned to Louisiana and was assigned as subaltern to Natchitoches: Statement by Andry [January, 1769], among O'Reilly's correspondence, Legajo 1109; last annex to Ulloa to Bucarelf, May 19, 1769, ibid.; Bolton, op. cit., I, 231.
¹¹ Dunbar Rowland, ed., Mississippi Provincial Archives, English Dominion, v. 1

⁽Nashville, 1911), 508.

12 Blommart's declaration in Testimonio del Proceso de Juan Blonmart, año de 1781,

Legajo 173. Another copy is among documents annexed to Galvez to Josef de Galvez, Oct. 26, 1781, No. 29, AdeSD, 86-6-12.

 ^{26, 1761, 10. 25,} Aucob, 10. 25, Aucob, 18 Rowland, op. cit., 534.
 14 Map of the Mississippi River . . . , 1770; in Dunbar Rowland, ed., Official and Statistical Register of the State of Mississippi (Nashville, 1908).
 15 Acosta to Unzaga, Aug. 29, 1775, Legajo 2357; Piernas to Gálvez, April 30, 1781,

¹⁶ Blommart to McGillivray, Aug. 5, 1778, annexed to Gálvez to Diego Josef Navarro,

Oct. 16, 1779, Legajo 1232.

17 Two daughters of Blommart are severally mentioned in Louisiana Historical Quarterly, XV (1932), 12, and John Walton Caughey, Bernardo de Gálvez in Louisiana, 1776-1733 (Berkeley, 1934), 238.

18 Blommart's declaration, Testimonio.

¹⁰ Of. De Villiers, certificate, Dec. 5, 1780, in carpeta beginning with Collell to Piernas, Jan. 3, 1780, Legajo 2359. For the name Ozark applied to this left-bank site of. Clarence Walworth Alvord, ed., Kaskaskia Records, 1778-1790 (Springfield, Ill., 1909), 54.

"Aux Arcs" the Canadian French of the river called the port known officially to French commandants as Aux Arkansas. As "Los Arcos" the common name was translated by Spaniards to whom their Arkansas post was first known officially as the Fuerte de Arkanzas.²⁰ Law and order at this Arkansas Post, as elsewhere in Louisiana, had suffered during and after the Seven Years' War. Late in 1763 Osage Indians had come to the Arkansas offering a peace pipe to the French commandant, but the Anglophile tribe of Chickasaw continued to be hostile and raided the post.21 Lack of official funds had caused the last French governors to grant monopolies to forest-post commandants in exchange for promises to maintain the posts;²² as early as 1758 a commandant of the Arkansas had reserved to himself all trade rights in the Quapaw villages.23 The last French Governor's French successor ad interim of 1765 kept control of forest trade by issuing permits to traders. His Spanish successor of 1766, Commodore Antonio de Ulloa, lacked the funds and the military force needed for administering the colony's affairs and did no more than continue the French system of control. To succeed the French commandant at the Fuerte de Arkanzas, Ulloa could find in 1767 no officer more suitable than the aging Alexandre de Clouet, half-pay captain at \$372 a year,24 who took possession on Arkansas River early in 176825 and after two years retired, still on half-pay, to less eventful life on the Têche.26

Alexander O'Reilly, coming as Louisiana's second Spanish governor, received shipments of soldiers, officers and even money to carry out his administration. For the Arkansas he chose Captain Desmazellières, former French commandant of Pointe Coupée,²⁷ to whom on November 14, 1769, he issued orders for the conduct of Arkansas affairs. A few weeks later he composed

²⁰ Piernas to Ulloa, Oct. 14, 1768, Legajo 2357. Likewise in the Illinois Country the French villages Aux Kaskakias and Aux Cahokias were called popularly Okas and Ocahos.

²¹ Dabbadie's journal, entry of Feb. 29, 1764, in Marc de Villiers du Terrage, Les Dernières Années de la Louisiane Française (Paris, 1904), 181; Aubry to Stuart, Dec. 20, 1764, in Clarence Walworth Alvord and Clarence Edwin Carter, eds., The Critical Period, 1763-1765 (Springfield, 1913), 383. Aubry's correspondent is one of three British Indian agents named Stuart: John Stuart of Pensacola, superintendent of the Southern Department; Charles Stuart, agent on Mobile River and the Tombigbee, and Henry Stuart, whose presence at Fort Bute is mentioned below.

²² De Villiers du Terrage, op. cit., 218.

²³ Layssard to Descloseaux, Feb. 5, same to Rochemore, Nov. (?), 1758, ANC, C¹³A, 40:311v-312, 328-329.

²⁴ Cf. O'Reilly, Reglamento que explica las obligaciones de esta provincia, Feb. 14, 1770, AdeSD, 80-1-9.

²⁵ Piernas to Ulloa, Feb. 1, Oct. 13, 14, 1768, Legajo 2357.

²⁶ His death as honorary-lieutenant-colonel took place at Attacapas (St. Martinville) in 1789, before the royal order granting him a captain's full pay had reached Louisiana: Miró to Cabello, Jan. 27, 1790, Legajo 1425.

²⁷ Alvord and Carter, op. cit., 186, 232.

similar instructions for Captain de Mézières of Natchitoches and for Captain Pedro Joseph Piernas, lieutenant-governor of the Ilinueses, that is to say, of modern Missouri.²⁸

Thus the governor granted to De Mézières on January 23, 1770, authority to establish two traders of his own in the Grand Caddo and Little Caddo villages northwestward on Red River, on condition that other honest men should not be excluded from trade there. Later in the year certain Spanish soldiers of Texas, having accompanied De Mézières on an inspection tour, brought back word to the presidio of Adaes that a band of French traders was to be found in each of the two villages. Occupying the positions of prime influence among the Caddo and set in authority as "interpreters" over the other traders they had seen there the commandant's two agents, Alexi and [Pierre?] Dupain.²⁹

Etienne de Vaugine, half-pay captain and successor of De Mèzières, less skillfully pursued commercial advantage by ordering the Caddo great-chief, Theniouen, to refuse trade rights to any except De Vaugine's own agent. The great-chief seized the agent's trade goods and distributed them among his tribe. De Vaugine entered into a fist-fight with Paul Bouet Laffite, one of the principal commercial rivals whom he had sought to exclude from Caddo trade; hwhereupon he thought it discreet to resign his command immediately and to prepare for a return to France. But even in the time of De Mézières the former garde magasin of Arkansas, Etienne Maraffret Layssard, promoted now to militia command and a magistracy at Rapides (Alexandria), had to complain of news that a distinguished trader bearing authority from the governor in New Orleans was about to exclude him and his six sons from all trade on Red River.

To edify the merchants of New Orleans, General O'Reilly published in French his instructions to commandants concerning commerce. In those directed to Captain Piernas of St. Louis

²⁸ French text of extracts from these three documents is annexed to O'Reilly to Grimaldi, March 1, 1770, No. 38, AdeSD, 86-7-22.

²⁰ Declarations annexed to Ripperdá to Marqués de Croix, April 20, 1771, Archivo General (Mexico), Provincias Internas, v. 100, expediente No. 1.

³⁰ Memoir of François Morvant, annexed to Miró to Gálvez, Oct. 1, 1784, No. 134, Legajo 3.

³¹ Miró to Gálvez, April 21, 1785, second carpeta, Legajo 6.

³² Miró to Gálvez, Oct. 1, 1784, No. 134, Legajo 3; Miró to Rousseau, April 20, 1786, Legajo 4. Louis Borme, captain of militia, who signed his name without the accent mark sometimes applied to it, was commandant ad interim after the death of De Mézières at San Antonio (November, 1779). De Vaugine received appointment in June, 1780.

³³ Layssard to Unzaga, March 16, 1775, Legajo 189-2.

the French text of one paragraph ordered the granting of trade permits to all honest men and required that the lieutenantgovernor should not authorize or permit under any pretext whatsoever it may be any exclusive trade or any sort of monopoly (monopole)."34 Yet the milder Spanish text prepared for dispatch up the river demanded of Captain Piernas only that he should "not for any reason permit or authorize any conspiracy (monipodio) or concede any exclusion."35 Even General O'Reilly might not have felt able to put his French text into effect; for the trade of the Osage villages had been during an entire quartercentury a monopoly first of the trader who had built an Osage outpost at his own expense36 and later of the St. Louis commandery, and such it was to remain as an appanage until Governor Carondelet extinguished the special privilege in 1794-1795.37 More than one-half the trade with Indians accessible to men of St. Louis in 1775 originated among the two Osage tribes³⁸ and enriched the Spanish commandant of St. Louis, lieutenant-governor of the Ilinueses.

The first Spanish commandant of the Arkansas had received a salary of only \$31 a month, which was half the salary paid to a captain of infantry.³⁹ Captain Desmazellières under the new commercial dispensation needed his full salary when he left New Orleans with Governor O'Reilly's instructions dated November 14, of which one paragraph reads as follows:

The Indians will receive annually the same presents as those that Mr. Desmazellières carries with him and will receive nothing else from the king. Trade will be permitted and open to them at the post, and if merchants from the city wish to establish an agent there he will be lodged in the fort and his goods in the king's warehouse without any gratuity exacted for this service. By this arrangement trade will never find cause for complaint; the Indians will have their needs provided for and will find a ready market for their grease and their furs.⁴⁰

In addition to a salary of \$10 (ten pesos) a month for the Arkansas interpreter, Pierre Moncherveaux, the cost of Quapaw administration consisted annually of about \$515 in goods of all

³⁴ Annex to O'Reilly to Grimaldi, March 1, 1770, No. 38, AdeSD, 86-7-22, photocopy.

Annex to O'Reilly to Arriaga, March 1, 1770, No. 31, AdeSD, 80-1-9, typescript.
 Vaudreuil to the minister, March 15, 1747, ANC, ClsA, 31:21-21v.

³⁷ Carondelet to Alcudia, May 31, 1794, Legajo 2363.

³⁸ Pedro Piernas, Noticia de las Naciones. . . , St. Louis, May 14, 1775, Legajo 2358.

³⁰ O'Reilly, Reglamento que explica las obligaciones, AdeSD, 80-1-9.

⁴⁰ Annex to O'Reilly to Grimaldi, March 1, 1770, No. 38, AdeSD, 86-7-22.

sorts.41 Spanish appreciation of Quapaw friendship may be seen in the fact that, proportionately to numbers, the Indians of the Arkansas received a present value in excess of the presents given to other tribes of forest posts.42 Six thousand persons including 1,400 warriors, had been the French estimate of Quapaw population in 1682; eighteen years later little more than one-fifth of the tribal strength had survived attack by European diseases.43 In 1766 British visitors coming down from the Illinois Country made estimates of 150 Arkansas warriors among 200 redskin families,44 indicating a total of perhaps 700 persons.

Fields of white residents at Natchitoches produced indigo; both at Natchitoches and at Arkansas Post tobacco was grown to be marketed in twists and in "hands." In the lowlands of the Ouachita and elsewhere white men found a fern that may have been the maidenhair from which the French even to-day make a cough medicine, their syrop de capillaire. These lands yielded a kind of sarsaparilla and also ipecaguana and various other medicinal herbs. 45 Except for snakes and wildcats (gatos de tigre) the lowlands and the plains harbored no beasts that any man might fear and few except the fox that he might value for their pelts. Huntsmen whether red or white of race went out to the western mountains, and into the broken land beyond, in order to bring back skins of beaver, otter, martin and raccoon, of bear, catamount and wolf, and the hides of bison and of the various deer. Lard from pigs slaughtered at Arkansas Post was valued no more highly than bear's grease, 46 which did not easily become rancid and which, with lard and butter, was known to the Spaniards under the general name of manteca.

Quapaw hunters brought salt meat, hides and furs, bear's grease and buffalo suet, and sold those products to traders at Arkansas Post. Traders at Arkansas Post and merchants and speculating investors in New Orleans provided outfits of powder, shot and food for white hunters who should go into the wilds and

⁴¹ O'Reilly, Reglamento que explica las obligaciones, AdeSD, 80-1-9.

⁴² Proposals of Antonio Maxent [Gilbert-Antoine Saint-Maxent] and Louis Ranson, May 1, 1771, Legajo 274.

 ⁴³ Louisiana Historical Quarterly, XXVI (1943), 636. General reference is made now to this article concerning the Arkansas Post under French domination.
 44 Gordon's journal and Morgan's journal in Alvord and Carter, eds., The New Régime, 1765-1767 (Springfield, 1916), 305, 442.

⁴⁵ Luis de Unzaga y Amésaga, Noticia General de lo que produse la Provincia de la Luisiana; Oct. 26, 1771, annexed to Arriaga to Altariba, Feb. 20, 1772, AN (Havana), Cédulas y Ordenes, v. 284.

⁴⁶ Noticia General, as cited; Tarifas de 10 de Mayo de 1782 sobre frutos, ANH, Cédulas y Ordenes, v. 286.

who acknowledged their debt by giving to their creditors a first lien on the gross profits of their enterprise. If their profits did not equal the debt the unpaid balance became a doubtful junior lien on future ventures, and the next year's outfit in turn assumed a senior lien.⁴⁷ Unpaid balances might grow larger through misfortune befalling hired traders, outfitted with goods at the posts or in New Orleans, who went to see what they might buy from hunters up the rivers or from the Tawehash tribe of the Wichita people, in their village beyond the mountains and between the Arkansas and the Red. Some men grew fearful of returning to the posts from which they had set out. Some men owing money at one post elected to return rather to another post and try their fortunes there. Some men abandoned civilization and remained in the wilds. In the last years of the French régime army deserters had joined them.⁴⁸

François Morvant of Natchitoches, Captain de Vaugine's hired trader of the 1780's, had been in his younger days a member of one outlaw band of whites in a permanent camp far up the Arkansas.49 Camps occupied at least part of the year stood here and there along the river's course. One appears to have been set about 70 leagues above the post,50 perhaps at the Rocher Français. The Cadran camp, which the Spaniards called the Quadrante, stood at the mouth of Cadron Creek near one of those half-circles of prehistoric mounds in which hunters might see the likeness of a sundial (French cadran, Spanish cuadrante).51 Mountains enclosed or looked westward upon the Gascon camp at an estimated distance of 170 leagues above the post.52 Athanaze de Mézières in his first year at Natchitoches complained of one far western Arkansas station inhabited by army deserters. These men had made friends with the Grand Osage, that tribe of the St. Louis district who had asked a French peace with Arkansas Post in 1763.

In 1768 the Osage made overtures for peace with Captain de Clouet of the Arkansas, but within two years the petitioners

⁴⁷ Miró to Rousseau, May 6, 29, 1786, Legajo 4; Miró, Instrucciones que deberá observar. . . Don Josef Valier, Jan. 1, 1786, Legajo 2360.

⁴⁸ Miró to Delassize, April 3, 1782, Legajo 3; Miró, Instrucciones, as cited, Legajo 2360; Miró to Gálvez, June 28, 1786, No. 309, Legajo 6; Bolton, op. cit., I, 166-168, II, 249-252.

⁴⁹ Bolton, op. cit., I, 161-162n.

⁵⁰ Vallière to Miró, April 29, 1878, No. 68, Legajo 13.

⁵¹ For mounds near the mouth of Cadron Creek of. Thomas Nuttall, Journal of Travels into the Arkansas Territory during the year 1819 (Philadelphia, 1821), 114. The camp called the Cadran was on the river. It is inferred that the site was that of the later "Cadron settlement" at the mouth of the creek.

⁵² Cruzat to Miró, June 23, 1784, No. 9, Legajo 10.

went southward to raid the Caddo nation in the Natchitoches district and to bring back Caddo women to increase the population of the outlaw village.⁵³ Not three years still later one band of the same tribe killed hunters and robbed others even on Arkansas River. In April, 1773, the chiefs of the Grand Osage brought to St. Louis the leader of the offending band, and Captain Piernas held him in the military jail pending decision of Governor Luis de Unzaga y Amésaga on the case. On August 14 Governor Unzaga ordered the prisoner to be liberated; to execute him after so long a delay would be, he said, to kill in cold blood, and Piernas ought to have caused the Osage themselves to inflict the death penalty on a murderer.⁵⁴

When Fernando de Leyba, one month after his arrival in St. Louis to succeed Captain Piernas, recalled these facts to attention of Governor Unzaga's successor, he wrote with peculiar interest in past events, since the Osage murders on the Arkansas had taken place in the second of his own three years of command at Arkansas Post. Leyba had come to Louisiana as a captain of one of the seven infantry companies, of 100 men each, that, with one company of grenadiers and various temporary auxiliaries, composed Louisiana's battalion, out of which was to grow the Regiment of Louisiana. His wife, María Concepción Cesar, and Nicanora Ramos, wife of his St. Louis successor Captain Francisco Cruzat, were quick to apply for permission to follow their husbands to Louisiana.

Louisiana's post on the Arkansas had held importance in the eyes of Commodore de Ulloa, the first Spanish governor. Striving to find where he might lessen expense in response to orders from Spain, Ulloa proposed in 1768 to reduce the strength of the battalion by one-half, leaving to the colony only 400 soldiers. More than one-half the remnant would be held in New Orleans. Except for 60 men whom the governor destined to the two villages and one new outpost of the Ilinueses the two largest garrisons of Louisiana posts he thought should be of 15 men each, one stationed at Fort San Luis de Natchez opposite the British Natchez and one on the Arkansas.⁵⁷ French creole reluctance to accept

⁵⁸ Piernas to Ulloa, Oct. 13, 1768, Legajo 2357; Bolton, op. cit., I, 166-168.

⁵⁴ Leyba to Gálvez, July 13, 1778, Legajo 2358.

⁵⁵ O'Reilly, Reglamento que explica las obligaciones, AdeSD, 80-1-9.

⁵⁶ Petitions of Doña María and Doña Nicanora, undated, are among O'Reilly's correspondence of 1769 in Legajo 1109.

⁵⁷ Ulloa to Grimaldi, Oct. 6, 1768, AdeSD, 86-6-6.

Spanish domination caused Ulloa's successor, General O'Reilly, to maintain the battalion at full strength and to borrow other troops from Cuba.

Evacuation of the British Natchez in 1768 permitted evacuation of the Spanish fort nearby, but the Arkansas became and during many years remained a post rating one officer and 32 enlisted men. These soldiers and the 60 of the Ilinueses composed the Seventh Company. Though enlisted men of the "coasts" and the other posts near New Orleans were shifted frequently from one place to another, those of the Seventh Company in the first Spanish years held permanent assignments, 58 as had been the unattainable ideal in the time of French government. Yet commandants remained at the fixed stations only through short terms, since these were the prizes of the province and were given to officers who, by means of trade with Indians and contracts with white hunters might earn there enough money to pay the debts they had amassed in more populous places.

The commandant of the Arkansas gained in commercial advantage from his lonely residence, but lost nevertheless in the consolation of religion, though not through lack of planning by Governor Ulloa. Louisiana was suitable to be divided into nine parishes, with New Orleans as a tenth, 59 and for these Ulloa found in 1767 that 24 Capuchin priests would be needed. Since a priest's salary of 600 livres (\$120) a year under French government had been found insufficient for a priest's support, Ulloa recommended salaries of \$150 a year.60 When Governor O'Reilly in 1769 felt unexpected expenses crowding upon him he learned that Father Dagobert, the French Capuchin superior, could persuade himself to reduce the estimate of necessary priests to eighteen.61 This reduction left possible no provision for the Arkansas. Even generous intentions would have had no more favorable effect, since no priests except a few military chaplains came to the colony in its first dozen years of Spanish rule and four of the twelve surviving French Capuchins soon grew too old or feeble of body or of mind to continue their labors. Until

⁵⁸ O'Reilly to Arriaga, Dec. 29, 1769, AdeSD, 80-1-9.

⁵⁹ Report annexed to Arriaga to Piña, Oct. 27, 1774, AdeSD, 86-7-20.

⁶⁰ No. 1, Colonia de la Luisiana, AdeSD, 86-6-6. In financial accounts of the time the milled peso or Spanish dollar was treated as equalling five French livres (tournois) in value.

⁶¹ Dagobert, Nombre des Religieux que nous croyons nécéssaires, Feb. 14, 1770. Legajo 2357. This is the source of the corresponding passages in two of O'Reilly's papers of the same date, Reglamento que explica las obligaciones, AdeSD, 80-1-9, and Número de Religiosos que nos parecen precisos para el pasto espiritual de los habitantes en esta Provincia, Legajo 1055.

almost the end of the century Arkansas Post and its garrison and inhabitants depended for religious guidance and ceremonies upon the pastorate of Natchitoches, far distant beyond woods and prairies, and those of the posts, even farther away, up and down the Mississippi.

The government in Spain had undertaken the responsibility of maintaining the religious establishment of Louisiana, which it chose to continue under directions of the resident French Capuchin mission. No colonial administrator except the Bishop of Cuba possessed authority for appointing to Louisiana or for permitting there the appointment of any priest except a member of the Capuchin order.⁶² When one French Capuchin pastor in the Ilinueses tried to assess tithes upon his parishioners he met with effective protest. The habitants of Arkansas felt themselves likewise too poor to pay a clerical salary, and only remoteness from other centers of civilization could have justified in any case the expense of supporting a priest in so small a community.

In 1766, the last year of French domination in Louisiana, only about ten French habitant families were living at the post, 63 cultivating fields that stretched back from the Arkansas riverbank (Lake Dumond) at each side of the ruinous fort and engaging in such trade as the system of monopoly and trade permits left to them. Captain Desmazellières, relinquishing command to Captain de Leyba in the first months of 1772, left to him a total habitant population of only 78 persons. Of whites there were, males of all ages, 32; females of all ages, 30. Of Negro slaves there were, males of all ages, 9; females of all ages, 7.64 Even ten years later the number of families had increased only to fifteen. Disagreement with the Indians and resultant emigration of five families in 1782 reduced the community again to ten families.65

Yet up Arkansas River (dans la rivière said the French; dentro el río said the colonial Spaniards, neglecting Castillian grammar) roamed the white hunters more than 100 in number, some still living as outlaws in the wilds, 66 others returning to the post after the winter's hunt. These men had no place in the census returns that commandants of Arkansas Post some-

⁶² Thirso y Henriquez to Carondelet, July 16, 1792, Legajo 25-B.

⁶³ Alvord and Carter, The New Régime, 442.

⁶⁴ Padrón general de Luisiana, Sept. 2, 1772, Legajo 2357.

⁶⁵ Grand-Pré to Miró, Aug. 2, 1782, Legajo 9; Dubreuil to Miró, May 5, annexed to Espeleta to Gálvez, Aug. 20, 1783, Legajo 2360.

times remembered to send to New Orleans in the spring of the year. Neither did the wives, whether white or red of skin, or their children with whom, or else in bachelor quarters, hunters lived in a village they had made for themselves long since on the upland at the site of the modern village, six air-miles west of the left-bank site on the riverbend where the French had built their fort of 1750. Beyond the right bank still stood the villages of the three Quapaw tribes, the Kappa and the Torimans near the hunters' village and the Uzutiuhi some ten miles below among their ancestral fields, the Torimans and Uzutiuhi about equal in numbers and the Kappa slightly more populous than either.⁶⁷

The Spaniards, like the French before them, regarded as inconvenient the existence of their Arkansas Post at a distance of more than 30 miles, or three days of rowing and poling against the current, 68 from the Mississippi River, along which passed the barges, bateaux and pirogues bound to and from the Ilinueses. To guard against annual floods on the lower Arkansas and yet to provide convenience for Mississippi boats in need of provisions that the post might supply, the French had tested the value of a compromise; they had built their fort in the late 1730's about ten miles above the river's mouth, on a fairly high bank that proved not high enough. 69 They deserted this site in 1750 in favor of the distant but higher bank of the bend now known as Lake Dumond.

The Spanish government of Louisiana considered primarily the convenience of Mississippi traffic and ordered a new fort to be substituted for the French ruin of Lake Dumond but on a site more than 30 miles distant by river, "on the Mississippi immediate to the mouth" of the Arkansas.⁷⁰ Here a half-century later Arkansas tradition remembered an early settlement but

⁶⁶ Miró, Instrucciones que deberá observar . . . , Don Josef Valier, Jan. 1, 1786, Legajo 2360.

⁶⁷ Relative sizes of the three villages are inferred from the value of Indian presents listed in the proposals of Maxent and Ranson, May 1, 1771, Legajo 274. The tribal name Quapaw, written Kappa by the early French, is incorrectly applied today to the entire nation, whose name is properly Arkansas. To avoid confusion in terminology the name Quapaw for the nation and Kappa for the subtribe are retained in this text.

⁶⁸ Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360.

⁶⁹ In Louisiana Historical Quarterly, XXVI (1943), 681n, the right bank of Smith Lake was suggested for this site. Dr. and Mrs. Thomas L. Hodges, Possibilities for the Archaeologist and Historian in Eastern Arkansas (pamphlet, reprinted from Arkansas Historical Quarterly, June, 1943), 13-14, and a personal letter from Dr. and Mrs. Hodges extinguish this possibility. The west bank of Pelican Lake, a bend cut off in recent times, remains as the most likely site; cf. Nuttall, op. cit., 76, 226 and map.

⁷⁰ Miró to Espeleta, May 15, 1788, Legajo 1394. Miró similarly locates the site in various other letters. The earlier Spanish correspondence of the Arkansas, doubtless discussing the situation, is not available in copies made for American libraries.

attributed it to the French.⁷¹ Here after another half-century the Mississippi destroyed the bank, and with it much of the American village called Napoleon, and later built up a lower bank of sand through which the Arkansas has extended its course by a mile or more.⁷² Mississippi floods have buried in silt the evidences of Napoleon.⁷³ No less did spring rises overwhelm the few habitant fields and the military post that too confidently an inexperienced government had ordered into a place of convenience. Yet here the Spaniards maintained a stockade, and in honor of their king they named it Fort Carlos III. Here stood the Spanish fort until after the time of Don Josef de Orieta, who succeeded in 1775 to the command that Captain de Leyba had held.

CHAPTER II

THE FIRM OF DE VILLIERS & BLOMMART

One private soldier of France assigned to the French Arkansas from the company of the Chevalier Devau bore the name Nicolas Crinquière, but Buxière was the nickname by which the other soldiers called him. In 1763 he received permission to live in the Quapaw villages in order to train himself as an interpreter. 1 Known to the Spaniards a few years later as Nicolas Labauxière and as a native of the Arkansas he succeeded to Pierre Monchervaux' position as official interpreter at the post and to its salary of \$120 a year. The Quapaw regarded him almost as one of their own nation, but he failed to recommend himself to Captain de Leyba. Influenced perhaps by Jean Saint-Germain and other newly Anglophile French traders of the Mississippi left bank he worked in 1773 to draw the Quapaw to the British interest. Captain de Leyba became aware early in the year that continued labors of this Frenchman were endangering Indian trade and Indian alliance on Arkansas River, and he reported on the matter to Governor Unzaga. The counteraction taken the governor soon described as follows:

I decided he should send him to me a prisoner in secret without letting the savages know of it. All precautions were taken to this end but were frustrated when on the way [to the post the prisoner] met an Arkansas Indian and spoke to

⁷¹ Nuttall, op. cit., 226.

⁷² Cf. meanders on Big Island quadrangle of the series of contour maps, Alluvial Valley of the Mississippi River (Mississippi River Commission, Vicksburg). Napoleon cutoff represents fairly well the course of the Mississippi in French times.

⁷⁸ Hodges and Hodges, op. cit., 17-18.

¹ Revue des troupes en garnison aux Arkanças, Oct. 1, 1763, ANC, D²C, 52, No. 25.

him in this fashion: "Tell my father, your chief, in what trouble you see me." They were not slow in coming to his aid. The same night they surrounded the post, and the chief with five warriors went in intent on rescuing him. But our commandant upon learning their mission succeeded by gifts and by harangues in holding him and in pacifying them.

Captain de Leyba sent Labuxière down the river to New Orleans, and Governor Unzaga forwarded to Havana both the prisoner and a version of Leyba's report. The captain-general of Havana replied dryly on August 14 that he had given proper treatment to the case,² and the name of Nicolas Labuxière disappeared from the records of Arkansas Post. His successor kept the faith during several years and in 1779 even received an increase of four dollars in his monthly pay.³

Successive commandants of Fort Carlos III in the 1770's felt the need of a faithful interpreter to influence the Quapaw, since trade with the British on the Mississippi left bank would be to Indian advantage. British ships from the Gulf had a port of their own at Fort Bute. Goods exported from Spain and those imported into the Peninsula for re-export must bear the cost of Spanish taxes and the profits of middlemen. Even the old woolen favorite of Indian trade, the red cloth and blue cloth that the French called limbourg and the British called stroud, came to Spain no longer from the expensive French looms of Montpelier but from the cheaper looms of England. Don Josef de Orieta, Arkansas successor of Captain de Leyba for the years 1775-1776, found it advisable to exhort the Quapaw again and again to "settle down and make a crop."

Other tribes too were restless. Pressure of British populations in the east had caused as early as the latest French times⁶ a westward movement that annually brought to hunting grounds near the Ohio-Mississippi confluence the nation of Delaware, whom the Illinois tribes called Abenaqui (easterners) and the French called Loups (wolves). Withdrawal of the large British garrison from the Illinois Country in 1772 deprived the Illinois tribes on the left bank of protection against their enemies the

² Unzaga to La Torre, July 11, Sept. 26, 1772, Legajo 1145.

³ Gálvez to Josef de Gálvez, Jan. 15, 1779, No. 227, ANH, letterbook.

⁴ Mémoire des Marchandises propre pour la Traitte. . . , n. p., n. d., ANH, pages 21-24 of appendix to bound volume No. 3 (Ayer Collection) of extracts from letterbook of Gálvez to Gálvez.

⁵ His letters in Legajo 189-2.

Alvord and Carter, The Oritical Period, 383.

Sac and the Foxes. The Spaniards of St. Louis gave asylum to the Illinois Peoria, to whose Kaskaskia⁷ kinsmen they had already offered Indian presents.8 In the spring of 1775 a first band of the Kaskaskia, soon followed by others and by Peoria, came to Don Josef de Orieta's port at the Arkansas rivermouth. Their hereditary great-chief, the 20-year-old boy Jean-Bâtiste du Coigne, asked permission that his tribe might become Spanish Indians and plant their corn along White River.9

The Kaskaskia stayed on as guests. Yet Don Josef at the Arkansas and Governor Unzaga in New Orleans hesitated to set permanently among untrusted Quapaw the Quapaw's old friends the Illinois, who during ten years had owed allegiance to the British, since a truce rather than the peace that the Spaniards desired existed between the two banks of the Mississippi River. The British restrained the Chickasaw from hostility toward the Quapaw. The Spaniards permitted Oliver Pollock, an American, to act in New Orleans as commercial agent of the few merchants in Natchez. Concerning one of these few, James Willing from Philadelphia, Jean Blommart of Natchez wrote to Pollock in January, 1775, that Willing had poor prospects of paying his account with Pollock, since persons who in turn owed Willing \$3,000 or \$4,000 for goods received from him had poor prospects of paying him what they owed.10

In the spring of that year the royal courts of Europe were regarding prospects of another sort. The British had been aiding the pirates of Algiers in war with Spain. Diplomats murmured that Portugal, the British ally, was almost ready to attack the Spanish viceroyalties of the Americas. Spain knew she might not long hold her empire inviolate except with the help of France, whose power the British were determined to destroy. In December, 1774, and January, 1775, dispatches that a French agent in London sent to his home office proposed that France should help the colonials of Massachusetts, and other supporters of the first Continental Congress, in their controversies with Tory Britain. The agent suggested that Spain should consider how rapidly Britain and Portugal were forcing her into the closer French alliance that the French foreign minister was urging upon

⁷ Thus spelled by the British and Americans. The Spanish and the eighteenth-century Canadian French always wrote the name Kaskakia.

⁸ Proposals of Maxent and Ranson, May 1, 1771, Legajo 274.

Acosta to Unzaga, Aug. 29, 1775, Legajo 2357; Illinois State Historical Society, Journal, XXXV (1942), 57-72. In this latter citation the present writer identified as Pawnee Loups (Skidi) the Delaware of the Spanish right bank.
 Louisiana Historical Quarterly, XV (1932), 6.

his king. Echoes from the shots of minutemen at Concord bridge were not heard in New Orleans in April, 1775, but Governor Unzaga nevertheless in May ordered San Gabriel de Manchac to be regarrisoned, if only with one officer and a dozen men, and refortified against attack.¹¹

In that same May the second Continental Congress began its sessions in Philadelphia; on June 15 it named George Washington to command its army. Ten months later Spain agreed to the French proposal that she should send materials of war to Louisiana, ostensibly as a base for supplying Mexico and South America against Portuguese aggression. In May, 1776, the French government released 1,000,000 francs for purchasing supplies on the American account. Spain contributed an equal sum in Benjamin Franklin's agent in Paris withdrew from the royal arsenals in June and July 15,000 muskets intended for shipment to Havana on the way to the rebels. In June also a well informed governor in New Orleans was not unduly astonished to receive a visit from George Gibson, captain in the First Virginia Regiment, and his lieutenant, William Linn, who with a boatload of rebel soldiers had come down the spring rise from Fort Pitt (Pittsburgh) as agents however not of the Congress but of Virginia.

No supplies to be set aside for rebel use had reached Louisiana. Yet Captain Gibson received from the royal warehouse of New Orleans 100 hundred-pound barrels of Spanish army gunpowder, four years old and not in the best condition but as good as Governor Unzaga could offer for use against a potential enemy. In return the Virginian on September 21 gave his note for \$1,850, in milled pesos, to be paid at Cadiz. Two days later Captain Balthazar de Villiers, commandant late of Natchitoches and of Pointe Coupée, wrote from Arkansas Post complaining to the governor that Fort Carlos III was in bad condition. September 21 gave his note for \$1,850, in milled pesos, to be paid at Cadiz. Two days later Captain Balthazar de Villiers, commandant late of Natchitoches and of Pointe Coupée, wrote from Arkansas Post complaining to the governor that Fort Carlos III was in bad condition.

Captain de Villiers' three posts of command under the Spanish government, Natchitoches, Pointe Coupée and Arkansas, together controlled the fur trade of the right bank between the Ilinueses and the "coasts" except for the small region of Rapides,

¹¹ Acosta to Gálvez, Jan. 31, 1777, Legajo 2351.

 ¹⁵ Unzaga to Josef de Gálvez, June 19, 1776, AdeSD, 87-3-10; Unzaga to Martín Navarro,
 Sept. 20, and Gibson, promissory note, Sept. 21, 1776, Legajo 573.
 ¹³ Gálvez to De Villiers, March 6, 1777, first letter, Legajo 1.

where Etienne Maraffret Layssard and his wife and daughter¹⁴ formed the one household of official distinction. Unlike Natchitoches and the Arkansas, Pointe Coupée had no military importance. For posts such as this one and such as Rapides, Governor O'Reilly in 1769 formed an administrative system of tenientes particulares, or special agents, for the most part captains of militia, who should act as justices of the peace and general administrators of their districts with a salary of \$100 a year for each of those who did not receive payment for other governmental service. 15 But Luis de Unzaga, colonel of the Regiment of Havana, succeeding General O'Reilly before the end of the year, 16 thought the system unsuitable for Pointe Coupée and chose Captain de Villiers for that post.

The complementary system of passports that the government imposed upon all Spanish boats on the rivers permitted each of these three posts to regulate traffic to and from its own district. Pointe Coupée, because of its position sixteen leagues below the confluence of Mississippi River and the Red, controlled as a hinterland all the region of forest and prairie lying east of the Wichita Mountains and between the districts of Natchitoches and the Arkansas. The one highway of that region was Black River, an affluent of the Red, with its branches called Bayou Maçon, Bayou Boeuf, Bayou Bartholomew and Ouachita River.

As in the case of Natchitoches and the Arkansas a post so far distant from the hunting grounds could not apply the debtors' law against absconding hunters and insolvent traders who owed money for the outfits they had received from speculating merchants.¹⁷ Dozens of renegade Canadian French and adventuring Americans ran wild in the Ouachita lands. 18 As evidence of their origin the Canadians gave an Illinois name to one of the Ouachita's branches, the Little Missouri.19 In order to outfit hunters in this district of dubious profits, as earlier in the districts of Natchitoches, Captain de Villiers had speculated with borrowed money. He had just succeeded in paying one of his notes held by a banker in Paris, but his finances were still in a disturbing state when Governor Unzaga transferred him in 1776 from Point Coupée to command of Arkansas Post.20

Layssard to [Unzaga], July 20, 1774, Legajo 189-2.
 O'Reilly, Relación que manificsta los nombres. . . , Feb. 14, 1770, Legajo 1055.
 O'Reilly to Bucarelí, Dec. 11, 1769, Legajo 1055.
 Miró to Delassize, April 3, 1782, Legajo 3.
 Miró to Gálvez, June 28, 1786, No. 309, Legajo 6.
 Recorded as early as 1778; cf. Bouligny to Gálvez, Aug. 4, 1778, Legajo 2358.
 Gálvez to Jesef de Gálvez, Oct. 16, 1779, No. 319, ANH, letterbook; Gálvez to De Villiers, June 3, 1777, Legajo 1.

The ruinous fort at Arkansas River's mouth stood well above the autumn's low-water mark when Captain de Villiers in November gave welcome to Lieutenant Linn and a barge-crew of Virginia rebels transporting Captain Gibson's barrels of Spanish gunpowder to Fort Pitt and Wheeling.21 By virtue of the Spanish passport carried by the patron or skipper of that barge or of an accompanying boat²² he welcomed also James Willing, who was deserting unpaid debts in royalist Natchez in order to become a patriot of his native Philadelphia. High-water marks on the trees could tell the visitors what the spring rise of June might do to Arkansas Post. Illness among the crew caused Lieutenant Linn to detain his men (and, it may be supposed, James Willing with them) as Captain de Villers' guests, but only until February, 1777, when the expedition continued on its way up the Mississippi and the Ohio.

In or about the first week of March, while the Virginians rested at the Iron Banks four leagues below the Ohio,23 Captain de Villiers at Arkansas Post was entering upon an enterprise intended to relieve his financial obligations at the expense of his brother officers Francisco Cruzat, who had just succeeded Pedro Piernas to the lieutenant-governorship of St. Louis and to profits of the Osage trade monopoly. From the Grand Osage village on Osage River, distant from St. Louis 110 leagues by land or 180 by river,24 the tribe who had asked peace of Captain de Clouet in 1768 and had brought robbery and murder to Captain de Leyba's Arkansas hunters not five years later came now again to Arkansas Post in the person of three chiefs and forty warriors. Again they asked peace with the Arkansas,25 and Captain de Villiers accorded them peace and more. He invited them to come back in summer with their tribe and to barter furs with his traders at the Cadran camp. He promised to send to New Orleans for more trade goods for them.26

The presence of wealthy tribesmen newly come to the neighborhood did not escape the knowledge of Natchez traders trespassing as hunters on White River or of Jean Blommart,

²² Gálvez to De Villiers, March 6, 1777, second letter, Legajo 1.
 ²³ Alvord, Kaskaskia Records, 35.

26 Cruzat to Gálvez, July 6, 1777, Legajo 2358.

²¹ Linn to Pollock, [Arkansas, Nov. 30, 1776?], Draper MSS., 60 J 277, Wisconsin Historical Society.

²⁴ Report on Indian tribes, annexed to Cruzat to Gálvez, Dec. 6, 1777, first letter, Legajo 2358.

²⁵ Gálvez to Cruzat, March 6, 1777, Legajo 1; Gálvez to De Villiers, June 6, 1777, first letter, Legajo 2358.

who held at the British Ozark on the left bank the principal stock of merchandise that he was destining for Quapaw trade a few months later. The traders invited the Osage to bring furs for sale to them, and, the Osage reported later, "particularly an English merchant named Blommart, who had established himself on his side [of the Mississippi] opposite Aux Arcs, had told them that if they would come down to trade with him he would promise to give them goods at especially low prices." At the Grand Osage village on Osage River news of two new trade outlets reached the great-chief, Cleromon, in March.²⁷ Yet a few weeks later an uncommercial band of Cleromon's subjects invaded again the Natchitoches district of Athanaze de Mézières, raided the Grand Caddo nation, killed five of Great-Chief Theniouen's subjects and retreated northward with a large number of Caddo horses.²⁸

To bring goods from the capital for Osage trade Captain de Villiers employed the services of a trustworthy agent. In 1758 Etienne Maraffret Layssard, garde magasin of the French post, had expressed reluctance to send his wife on a journey to New Orleans escorted only by the patron and crew of a trading pirogue.²⁹ In 1782 Captain Cruzat's wife cherished her modesty and her comfort so dearly that she refused to entrust them on the river except to the shelter of an afterdeck cabin aboard a 'big bateau.30 But Françoise Voisin de Bonaventure, wife of Captain de Villiers, was a hardy lady who did not fear or disdain to make by priogue an annual trip of two weeks down the rivers and six weeks up again in order that in New Orleans she might regulate her husband's most pressing accounts and buy goods for the new season's trade. In New Orleans late in March, 1777, Madame de Villiers received from Governor Gálvez for northward transport the annual Indian presents due to the Quapaw in that year and in 1778.31 Her discretion was so great that not until three months later did the subject of Arkansas trade with the Osage make its first appearance in the new governor's correspondence.

²⁷ Thid.

²⁸ Gálvez to De Villiers, June 6, 1777, first letter, Legajo 2358.

²⁹ Layssard to Descloseaux, Oct. 11, same, to Rochembre, Nov. (†), 1758, ANC, C¹⁸A, 40:326v-327, 328-328v.

³⁰ Cf. Silvestre Labbadie to Miró, White River, May 22, annexed to Miró to Josef de Gálvez, June 5, 1782, second letter, AdeSD, 87-3-10.

³¹ Gálvez to De Villiers, March 25, 1777, Legajo 1.

In order to safeguard his Osage enterprise Captain de Villiers had shown himself better able than the British, for the moment at least, to influence British Indians. By harangues and perhaps by presents he sent back to the Mississippi left bank a war party of uncomprehending Chickasaw, who had come to Fort Carlos III expecting sympathy in their project of trailing and attacking the Osage band of forty-three men.32 To free himself from the nuisance of British contraband De Villiers had worked through the winter to win the friendship of the resident Kaskaskia, even though Luis de Unzaga, governor in New Orleans until January 1,33 had not shown himself favorable toward their petition for alliance. Jean-Bâtiste du Coigne's fugitives from the Illinois proved willing to pay in advance for benefits they hoped still to gain. In the winter months they entered into a contract with Captain de Villiers. The commandant promised that if in the spring they would rob and drive to the left bank the year's invasion of Natchez traders on White River he would ask of the new governor in New Orleans permission to accord them such contraband British trade goods as they might have captured.

Three months after Virginian rebels had started northward from Arkansas Post the Kaskaskia found occasion to carry out their part of the contract. Traders trespassing on White River fled to the Mississippi left bank in May leaving in possession of Illinois Indians the goods they had expected the Quapaw to buy. Governor Gálvez had confirmed to the Kaskaskia beforehand in March the winter's promise that Captain de Villiers had made them. Receiving news of their military exploit by the commandant's letters of April 16 and May 19 he accepted them in June as Spanish allies, sent them the Spanish medal and flag that should be symbols of their alliegiance and granted them White River as their Spanish home.34

Illinois victory on White River persuaded the unstable Quapaw to recognize that British influence was declining on the Mississippi right bank. Now was revealed the reason why Captain de Villiers had asked help of former British Indians from the north rather than of the Arkansas tribes, the Spanish allies.

⁸² Galvez to De Villiers, June 6, 1777, second letter, Legajo 2358.

²³ Gâlvez to Josef de Gâlvez, Jan. 28, 1777, No. 1, ANH, letterbook. Unzaga was promoted on June 20, 1776, to be captain-general of Venezuela: Hector García Chuecos, Estudios de Historia Colonial Venezolana (2 v.; Caracas, 1937-1938), I, 6.

²⁴ Gâlvez to De Villiers, March 6, 1777, second letter, Legajo 1; same to same, June 6, 1777, second letter, Legajo 2358.

Angaska, great-chief of the three Quapaw villages, confessed that he had made a secret alliance with the British traders and had accepted the British medal and flag.35 Since the British medal was bigger than that given "for merit" by the Spaniards and since Indians showed themselves loath to accept a small ornament in exchange for a larger, Governor Gálvez already had thought it suitable to ask that his king should authorize a new medal twice as big as the current symbol, which weighed only one silver ounce,36 and permit him to reserve the older and smaller one for gifts to lesser chiefs.

Angaska in punishment for his defection lost his government present for the year, but he had learned his lesson and thereafter comported himself in a properly Spanish manner. The Kaskaskia on White River had taught, however poorly, a similar lesson to at least one merchant of Natchez. Jean Blommart felt constrained to cross the Mississippi River and negotiate with Captain de Villiers a business arrangement that should be to their common advantage.37

In the proposal made by the Swiss from Natchez Captain de Villiers saw prospects of profits that might join those expected from his Osage venture in repairing his fortunes. Perhaps from the international amity created then at Fort Carlos III arose the name Concord, which thenceforth attached itself to the British Ozark of the sweet gum tree and which in its Spanish form, Concordia, is preserved in various place names of the region, as well as at Natchez and opposite Natchez. The Spanish commandant offered space in his fort's warehouse for the unexpended goods of Concord that Blommart had intended for contraband trade on White River. Nine days later than his report of Kaskaskia victory there De Villiers reported to the governor concerning Blommart's proposal. On August 11 the governor replied with approval, and he awaited Blommart's arrival in New Orleans.38 Blommart paid his visit to the city in

³⁵ Gálvez to De Villiers, Aug. 11, 1777, Legajo 1.

³⁶ Gálvez to Josef de Gálvez, May 12, 1777, No. 50, ANH, letterbook. An earlier description is as follows: "Don Alexandro O'Reilly distributed . . . the medal . . . weighing one onza of silver. On one side is seen the royal portrait with these words, Carlos IIII. [sic] Rey de España y emperador de las Indias; on the other, between laurels, Al meritos marginal gloss, De Mézières to the captain-general of Louisiana, Oct. 21, 1770, annexed to Ripperdá to Marqués de Croix, April 20, 1777, AGM, Provincias Internas, v. 100, expediente No. 1. Frederick Webb Hodge, ed., Handbook of American Indians North of Mexico (2 v.; Washington, 1907-1910), I, 830, describes a medal that is apparently the larger one authorized later.

³⁷ Gálvez to De Villiers, Oct. 1, 1777, Legajo 1.

⁸⁶ Gálvez to De Villiers, Aug. 11, 1777, Legajo 1.

September and came to an understanding with Gálvez, who on October 1 wrote to De Villiers as follows:

To Mr. Blommart, bearer of this letter, who is returning to his establishment opposite your river, you will deliver the goods that you let him leave at your post during his absence (for the reasons that you imparted to me in your letter of May 28 last and that I approved in my subsequent reply of August 11), in the condition in which they were received and as listed in an invoice that he has shown me. If the aforesaid Blommart should ask a passport from you in order to send to this city the products of his trading, such as salt meat, hides, suet, manteca, &c., you will give it to him in consideration of the convenience and use they will offer this city, since I have promised Mr. Pollock, his agent to whom they are to be shipped, that I would write to you in order that you should give it to him. I have also promised the aforesaid Pollock that I would direct you to offer courtesies to the aforementioned Blommart, and I keep my promises hereby, trusting that you may act in a manner not contrary to our laws.39

When this letter reached Captain de Villiers late in the year it may have brought some consolation to a post desolated by failure of an earlier project. Whether because her husband's debts detained Madame de Villiers in New Orleans as in a later year they were to detain her at Pointe Coupée, whether because the June rise washed the post into more confusion than usual, or whether the commandant of the Arkansas feared to disobey an order just received from New Orleans confining all trade to his post,40 Captain de Villiers failed in his promise to send goods to the Cadran camp. The Osage kept their promise by sending thither a band of their own traders with products for exchange. At the Cadran about July 15 or 18 the Osage found empty of men and of goods the cabin that had been the headquarters of Arkansas hunters. The Indians posted seven of their men at the cabin; the others deployed in search of the white men.41 Then came Great-Chief Theniouen with a band of his Caddo on a tour of inspection in territory that was not his own.

His own glory Theniouen told to the Caddo interpreter six weeks later, to be written down and sent to Natchitoches. He said that on the bank of the Arkansas, distant from a fortified cabin where Englishmen sold goods at low prices, he had

Gálvez to De Villiers, Oct. 1, 1777, Legajo 1.
 Gálvez to De Villiers, March 6, 1777, first letter, Legajo 1.
 Cruzat to Gálvez, Dec. 6, 1777, second letter, Legajo 2358.

found four white hunters robbed and left destitute by the Osage. He had followed the robbers on their trail, overtaken them and killed five. Then he had brought back the stolen property to its four owners, from whom he refused to accept more reward than their gratitude.42 News reaching St. Louis late in the year from the Grand Osage village acknowledged the Arkansas death of five men at the hands of the Caddo. The two other watchers at the Cadran had escaped and rejoined the Osage band, who set out forthwith for their faraway village intending to raise their tribe and make a war of retribution on the hunters of Arkansas River. On their homeward way they came upon three men of the Arkansas, a voyageur bourgeois and his two engagés, and killed all three.43 They had nothing to say of four hunters robbed and left destitute, but Captain de Villiers sent word to Natchitoches that seven, not three, were the deaths of white men dans la rivière.44

Thus Captain de Villiers had no choice but to relinquish his project of Osage trade, which moreover the governor prohibited to him upon indignant complaint received from Captain Cruzat of St. Louis.45 New value attached itself therefore to his arrangement with Jean Blommart, which went into effect upon receipt of the governor's approval dated October 1. Except that some European goods employed in right-bank trade by the forthcoming partnership of De Villiers & Blommart may not have passed from Spanish recipients in New Orleans and into the hands of Oliver Pollock, no reason appears why Spanish law, as distinct from the governor's orders, should be violated. Spain and Britain were still officially at peace; the entrance of aliens as employees of Spanish subjects was not yet prohibited in the fur trade. The contract effected between the French Spaniard and the Swiss Briton seems to have reduced itself to agreement that Blommart's money should support the failing credit of Captain de Villiers and that Blommart's hired hunters from Concord and Natchez should join the many French voyageurs and the many authorized Americans already hunting along the White and the Arkansas. Captain de Villiers, in consideration of his courtesies, received certain perquisites, such as deerskins, for

⁴² De Mézières to Gálvez, Sept. 14, 1777, Legajo 2358; translation in Bolton, Athanaze de Mézières, v. 2.

⁴³ Cruzat to Gálvez, Dec. 6, 1777, Legajo 2358.

⁴⁴ De Mézières to Gálvez, Sept. 14, 1777, Legajo 2358.

⁴⁵ Cruzat to Gálvez, July 6, Legajo 2358; Gálvez to De Villiers, Aug. 11, Legajo 1; Gálvez to Cruzat, Aug. 11, 1777, Legajo 2358.

which it is to be hoped Jean Blommart made allowances in regulating his accounts with his men. The men nevertheless were pleased to regard De Villiers as a symbol of greed.46

Jean Blommart was assured of a Spanish passport, which would free his shipments of the import duties that New Orleans assessed against products from British Natchez. He might send directly to Oliver Pollock the furs and meat, the suet and grease that his own men brought back from the west, but outfits that he supplied to men of the Arkansas became debits to De Villiers' account, from which a year later Blommart was seeking means of collection.47 International events of 1779 caused the partnership to dissolve. The governor in New Orleans repeated his prohibition of trade dentro el río. Yet the Comanche, friends of the Tawehash tribe beyond the mountains and enemies of Texas and of the Spaniards, continued to receive arms and ammunition that Francois Morvant of Natchitoches told even as late as 1783 to the commandant of Nacogdoches, and he to the governor of Texas, were coming from "the blockhouse or magazine that the English are said to have on Ozark River."48

Captain de Villiers had not long to wait before regret for his friendship with former smugglers came to plague him. Contraband traders not employed by De Villiers & Blommart found that hunters on St. Francis River, within the Arkansas district, were willing to sell furs to the British. Despite prohibition of the entrance of unauthorized British merchants into the domain of His Catholic Majesty a French trader from the left bank, André Noré by name, stealthily urged the Quapaw with promises and persuasions to believe that trade with the British of Natchez still would be to their advantage. But the Quapaw were disciplined now by adversity. They brought Noré to Captain de Villiers, who sent him prisoner to New Orleans. Though legal proof of crime could not be presented the governor forwarded the prisoner to Cuba. Questioning in Havana revealed Noré not as a Frenchman but as an Englishman named Henry Stapleson, and not as

80 Gálvez to D. J. Navarro, Dec. 3, 1777, Legajo 1232.

⁴⁶ Declaartion of Nicanora Ramos [Cruzat], annexed to Miró to Josef de Gálvez, June 5, 1782, second letter, AdeSD, 87:3-10. Miró's report and enclosures as translated in Louis Houck, The Spanish Régime in Missouri (2 v.; Chicago, 1909), I, 211-234, come from a later source, in which (in Houck's translation, at least) does not include all the original enclosures, or, all passages of all originals included, and makes additions originating with Bernardo de Gálvez.

⁴⁷ Blommart to McGillivray, Aug. 5, 1778, annexed to Gálvez to Diego Joseph Navarro, Oct. 16, 1779, Legajo 1232.

⁴⁸ Cabello to Vaugine, Sept. 15, 1783, Legajo 2360.

⁴⁹ Gálvez to De Villiers, March 5, 1778, first letter, Legajo 1.

a criminal of state worthy of a military trial but as an offender against the laws of trade. Stapleson passed therefore within the jurisdiction of the colonial court of review in commercial affairs, which Spain maintained in Cádiz as a branch of overseas government. The sentence of the court, confirmed by a royal order of September 19, 1778, condemned Stapleson to labor in the Mexican castle of San Juan de Ullúa during the king's pleasure.51

Scarcely had Captain de Villiers disposed of his first criminal case when three others came to his consideration. An Englishman or American named Nothly, Alexander Grayden of Natchez and another man of Natchez, Stephen Hayward, whose hunting partners on the Arkansas were reputable men,52 all fell under suspicion. Before the end of December Governor Gálvez was entertaining these three in the New Orleans jail; on June 12, 1778, he forwarded them also to Havana.⁵³ Six weeks later he added to the passenger list no less distinguished an Englishman than the Parisian Jean Saint-Germain,54 late interpreter of the Choctaw-Chickasaw tongue among tribes of the Yazoo. All these men had "passed their lives among the Indians." All were accustomed "to shelter themselves and to live among the barbarian nations." All were suspected of crimes similar to that of Stapleson. Yet when the captain-general of Havana, the governor's next superior officer, asked for transcripts of testimony in these four cases, without which he could not act to convict the prisoners. Bernardo de Gálvez confessed that there was no evidence at hand, the witnesses were scattered and moreover he had no government lawyer for making out a case.55

The king's minister of the colonies was uncle to the governor of Louisiana. He was an admiring relative who felt that his nephew's perspicacity made him the equal of any lawyer whom Louisiana's government might employ.56 The minister of the

⁵¹ Gálvez to Josef de Gálvez, Jan. 15, 1779, No. 223, ANH, letterbook.

⁵² Gálvez to De Villiers, Sept. 22, 1778, Legajo 1.

⁵³ Gálvez to the captain-general [D. J. Navarro], Dec. 30, 1777, No. 56, ANH, letter-book; Gálvez to D. J. Navarro, June 12, 1778, Legajo 1232.

⁵⁴ Gálvez to D. J. Navarro, July 28, 1778, No. 94, Legajo 1232.

⁵⁵ D. J. Navarro to Gálves, drafts of replies, July 8, Aug. 19, Legajo 1232; Gálves to the captain-general, Sept. 2, No. 104, ANH, letterbook; Gálves to Navarro, Oct. 24, 1778, Legajo 1232. The government lawyer or assesor was an officer of the Spanish system of intendancy, which Spain had copied from that of France and had introduced into Cuba in 1766-1767. In 1773 the Louisiana offices of comptroller and treasurer were subordinated to Havana: Santa Ana and Elixio de la Puente to (†), June 5, 1773, Legajo 82. The newly created intendancy of Louisiana was combined with the governorship in 1776: Royal cédula, July 21, 1776, AdeSD, 86-5-24. Bernardo de Gálvez assumed both offices in January, 1777. The first lawyer appointed as assesor, in Governor Miró's time, was Manuel Serrano.

⁵⁶ Martin Navarro to Josef de Gálvez, June 4, 1782, No. 122, AdeSD, 87-1-19.

colonies was also the next superior to the captain-general of Havana, Diego Joseph Navarro, who might well think twice before speaking harshly to a subordinate so highly connected. The situation with respect to all four Arkansas offenders Governor Gálvez had expressed to the captain-general in the case of Saint-Germain as follows: "Unable to form a criminal process against him because I lack sufficient proof of his act, I send him to you in order that you may be pleased to order his removal to some other place whence his entrance into this province may be difficult." 57

The advice was good if not in accordance with law. The captain-general, it seems, applied it to all four prisoners. The names of Grayden and Nothly have not been found in subsequent records of Natchez. In 1788, long after British Natchez had become Spanish, a man coming from Virginia, unmarried, bearing the name Stephen Hayward, appeared in Natchez to establish his residence there, and there he remained to serve the Spaniards as Indian interpreter in time of need. Jean Saint-Germain, whether under orders of deportation or of his own volition, journeyed from Cuba to his native France, where early in 1778 the Bourbon government had made a treaty of defensive alliance with the new rebel confederation that called itself the United States of America.

From France Saint-Germain returned to Natchez by way of the Illinois. At Kaskaskia in the new Illinois County of Virginia on May 6, 1780, he joined Virginia officers in a proclamation. From this document Jean-Bâtiste du Coigne was some time to quote to the Chickasaw one passage in these words: "French, Spanish and Americans now are as one."

CHAPTER III

THREE NATIONS ON THE MISSISSIPPI

France feared in 1775 that Spain might persist in wishing to make only a European war on Portugal, the British ally. France feared also lest precipitate Spanish action might cause Britain to declare against both Spain and France in support of Portugal before the two Bourbon monarchies should have their

⁵⁷ Gálvez to D. J. Navarro, Dec. 3, 1777, Legajo 1232.

⁵⁸ Charles de Grand-Pré, Relación de las familias y solteros que han venido de los Puestos Americanos, July 5, 1782, Legajo 2361; Manuel Serrano y Sanz, España y los Indios Chactas y Cherokés en la Segunda Mitad del Siglio XVIII (Seville, 1916), 49.

59 French text and translation in Alvord, Kaskaskia Records, 156-158.

fleets in readiness for a naval war. But on June 23, 1776, news came to Spain that the Portuguese of Brazil had begun the war by invading Paraguay, a part of the Spanish viceroyalty of Buenos Aires. On August 17 the French court learned that Americans in Philadelphia had declared independence of the British government.

In early autumn Spain began sending reinforcements to South America and also to Havana and Vera Cruz; from the new troops of Vera Cruz Governor Gâlvez was to add a second battalion to the forces of Louisiana.1 Prussia and Austria already had made it known that their sympathy would lie with France and Spain in a forthcoming war against Portugal, which was to say also, against Britain. The king of the absolute Spanish monarchy found himself both invited and forced into friendship with American rebels whose military success, if not their republican aspirations, would be to his advantage.

The Continental Congress of those rebels included among its duties the direction of a patriot war with Britain. Yet the state or commonwealth of Virginia assumed responsibility for extending warfare into the western region to which its colonial charter had given it claim. In the army of the United States, James Willing late of Natchez received a captain's commission in 1777. On January 10, 1778, he set out upon the Ohio River in a barge filled with Continental soldiers bound adventuring down the Mississippi.² Four days later in Williamsburgh the governor of Virginia, Patrick Henry, dated a letter to Governor Gâlvez. On the morrow he wrote to the leader of a Virginian expedition already under way to tell him the reason for official communication with New Orleans.3

Governor Henry was ordering Colonel George Rogers Clark on a duty that on July 4 would bring Clark and his Virginians to possession of Kaskaskia and of the British Illinois. Governor Henry was ordering Colonel David Rogers on a duty that carried Rogers and an official letter to New Orleans and to Governor Gâlvez on September 17. Captain Willing in advance of the Virginians went down the Ohio on a journey that permitted him an earlier visit to his former host, the commandant of the

¹ Gálvez to Diego Joseph Navarro, Jan. 27, 1778, Legajo 1232.

² Louisiana Historical Quarterly, XV (1932), 8. This article by John Walton Caughey and another in volume 16 treat in detail some events on the Mississippi left bank that the same author treats more briefly or not at all in his separately published work, Bernardo ac Gálvez, previously cited.

² Cólvez to Diego Joseph Navarro, Jan. 27, 1978, Legajo 1232.

³ Gálvez to Henry, Oct. 19, 1778, Legajo 2351; James Alton James, ed., George Rogers Clark Papers, 1771-1781 (Springfield, 1912), 38.

Arkansas. On February 15 and 20 Captain de Villiers reported to New Orleans that Captain Willing had called to see him after his rebels had destroyed the village of Concord.4 He forwarded a petition of "sundry Americans" who had come down not much earlier than Willing and who now preferred to settle on the Spanish side in order to avoid the commotions that war was bringing to the Natchez district.5

Governor Gâlvez reported in March to the captain-general of Havana that Willing had captured Concord, Natchez and Manchac and also, at Manchac, British vessels lying in the river.6 At Natchez no armed troops had opposed Willing, who left command there to certain leaders of rebel sympathies in order that he himself might drop down and raid Fort Bute by surprise. The surprise at Bayou Manchac was such as to catch napping the British Indian agent, Colonel Henry Stuart, who fled "in his shirt" across the bayou and to Spanish sanctuary beyond. Willing proceeded farther and to New Orleans. Oliver Pollock, receiving first a letter in March, loaded into a Spanish riverboat a shipment of warlike supplies that three months later reached St. Louis for transshipment up the Ohio.7

British royalists quickly rescued Manchac from effects of the republican raid. On April 25 Colonel Stuart from a secure retreat sent to the commander of Fort Bute certain written orders that he directed should be given to Jean Blommart⁸ of Natchez, who happened to be at Fort Bute instead of at home. Two weeks later Governor Gálvez learned the substance of the orders. Patriot fugitives from Natchez reached the Spanish capital to tell of a royalist counter-revolution that had undone James Willing's patriot work. As they came down the river they had seen Jean Blommart at Pointe Coupée and had learned that under commission from Colonel Stuart he was working again to draw to the British interest the river tribes of Spanish Indians and particularly the Tunicas.9

Blommart and other provoking agents worked so well that not until June 11 did Captain de Villiers think it safe that his

<sup>Gálvez to De Villiers, March 5, 1778, two letters, Legajo 1.
Louisiana Historical Quarterly, XV (1932), 9.
Gálvez to D. J. Navarro, March 11, 1778, No. 61, Legajo 2351.
James, op, cit., 64, 66, 67; Gálvez to Josef de Gálvez, March 24, 1778, AdeSD,</sup> 86-6-11

⁶ Henrrique Stuard to Roberto Ross, April 25, in *Copias de los documentos presentados y leidos en la Junta Guerra*, annexed to Gálvez to D. J. Navarro, July 13, 1778, No. 91, reservada, Legajo 2351. Diario General, Legajo 2351.

wife should set out on her annual trip to New Orleans. 10 Indians even as high up as Chickasaw Bluffs tried to bar the river to Americans. Two dozen patriots aboard a bateau sent down to carry northern provisions to Willing's men learned at Fort Carlos III that royalists controlled the passage at Natchez and Manchac, and they returned up the river.11 When Captain de Villiers' letter detailing this matter reached New Orleans on July 12 it gave Governor Gâlvez an idea that he put into effect by "spreading the news," as he said, and adding the fiction that the bateau was the precursor of a great rebel expedition about to descend the Mississippi. Indians who had waited patiently to hinder the passing of one bateau feared to engage an army and retired to their villages. At least, that was the story that the governor told in a report of July 28,12 and on August 5 Jean Blommart believed such a story in royalist British Natchez, where with new appointments as captain of militia and quartermaster¹³ he was laboring to make the old Fort Panmure sound enough to withstand a siege.14

While Continental soldiers rested on a plantation in Opelousas, 15 Captain Willing in New Orleans arranged with Governor Gálvez and Oliver Pollock for withdrawing, in deep and successful secrecy, from the royal warehouse the supplies that the Continental Congress had asked. Pollock planned to ship the goods northward under Spanish passports in boats that were known as engaged in the trade of the Spanish posts.¹⁶ The road of the river was closed to Willing's troops as far as Natchez, but above the Arkansas the road lay clear except for timid Indians. Captain Willing waited in New Orleans to go home by way of the sea. His companions, Captain Robert George and Lieutenant Richard Harrison, received a passport from Governor Gálvez and led their commander's troops first on an overland journey.¹⁷ From Opelousas their circuit brought them to Natchitoches, whence Lieutenant-Colonel de Mézières sent them forward on

 ¹⁰ Of. Gálvez to De Villiers, Aug. 26, 1778, first and fifth letters, Legajo 1.
 11 Diario General, Legajo 2351; Blommart to McGillivray, July 6, 1778, annexed to Gálvez to D. J. Navarro, Oct. 16, 1779, Legajo 1232. Of. G. R. Clark to O'Hara, July 15, 1778, in carpeta beginning with Gage to O'Reilly, Nov. 18, 1769, Legajo 2370.

¹² Gálvez to Josef de Gálvez, July 28, 1778, No. 177, reservada, ANH, letterbook.

¹³ Declaration of Blommart, Testimonio, Legajo 173.

¹⁴ Blommart to McGillivray, Aug. 5, 1778, annexed to Gálvez to D. J. Navarro, Oct. 16, 1779, Legajo 1232.

¹⁵ Diario General, Legajo 2351. The name is misspelled in James, op. cit., 368.

¹⁶ Gálvez to Josef de Gálvez, May 16, 1778, No. 148, reservada, ANH, letterbook.

¹⁷ Same to same, Sept. 2, 1778, No. 196, ANH, letterbook; James, op. cit., 66, 67.

their way.¹⁸ Their next destination was Arkansas Post,¹⁹ there to join the Spanish bateaux and continue northward. Early in 1779 the second of many Spanish shipments for the Americans came to the north, and Captain George with his lieutenant and his Continentals transferred themselves to the Virginian command of George Rogers Clark, the victor of Kaskaskia.

Jean Blommart in Natchez could not help believing the rumors that Natchez learned in early August of American success in the Illinois Country. Only a militia force represented British power at Fort Panmure, but Blommart felt that militia might make a stand against a second expedition from the north if warnings could be had in advance. For this purpose he asked leave of Lieutenant-Colonel John McGillivray in Manchac to send a spy to Arkansas Post in the guise of a commercial agent seeking to regulate the accounts of De Villiers & Blommart and ready to assume command there on behalf of the British.20 Such an agent might have learned what Blommart already had cause to suspect. Captain de Villiers' finances had wound themselves into a tangle worse than before; Madame de Villiers in New Orleans would be able to meet only the most pressing obligations. She and her husband were asking permission (which the governor granted them) to remain during an indefinite time at the Arkansas in order that Arkansas trade might pay their debts.21

The spring rise of 1778 again had drowned their Fort Carlos III. Down to that aqueous ruin came Colonel David Rogers in August and learned that his bargeload of Virginians would be captured by Indians, by Natchez royalists or by Colonel McGillivray of Fort Bute if he should persist in descending the river. In a pirogue with seven men Rogers slipped down past the royalist ambushes and delivered to Governor Gálvez on September 17 a letter from Governor Henry that Gálvez answered on October 19. The other Virginians remained as wintertime guests of Captain de Villiers until Rogers and some shipments of Spanish military supplies in Spanish barges rejoined them for a springtime voyage to the Ilinueses and the Illinois.²²

¹⁸ Bolton, Athanaze de Mézières, II, 235.

¹⁹ Gálvez, passport, Aug. 19, 1778, Legajo 2370.

²⁰ Blommart to McGillivray, Aug. 5, 1778, Legajo 1232.

 ²¹ Gálvez to De Villiers, Aug. 26, 1778, fifth letter, Legajo 1.
 22 Gálvez to Henry, Oct. 19, 1778, Legajo 2351; Gálvez to Josef de Gálvez, Oct. 24, 1778, No. 201, reservada, ANH, letterbook; James, op. cit., 173, 356.

The shipments of government goods made from New Orleans in 1778-1779 held no relation to the million francs that Spain had advanced to Benjamin Franklin's trading company in France. These were provincial ventures. In preparation for the first boatload Governor Gálvez wrote on April 3, 1778, to Oliver Pollock's correspondents, two members of the Continental Congress, that he would accept payment in flour²³ to be sent down from the Ohio or by sea.

Whether shipments of flour should come by sea or by river, river traffic in any case would increase and would have need of Arkansas Post as a waystation. The governor had taken no action on Captain de Villiers' report of September 23, 1777, concerning conditions at the Arkansas. The June rise of 1778 caused the captain again to complain "relative to the bad situation of the post because of the land on which it is situated and relative to the benefit and advantage that would result to the king and to his subjects who inhabit it if it should be removed" to an up-river site that the commandant described, and the governor promised he would refer the matter to the king for royal decision.24 But Captain de Villiers replied with a protest that the spring rise flooded the post every year. He repeated that the fort lay at an inconvenient distance from the Quapaw villages. In view of the summer's events the governor, it seems, recognized an emergency. Under the authority that provincial governors held for direct action in times of need, on October 19, 1778, the date of his reply to Governor Henry, he ordered De Villers to remove Fort Carlos III to the point that he might think most suitable.25

The Quapaw villages stood in a region fifteen leagues and more distant from the ruined fort and the river's mouth. The Illinois allies of White River were now farther distant; in the winter of 1777-1778 they had gone back to the north, a few of the Peoria to settle near Ste. Genevieve in the Ilinueses, the others and the Kaskaskia on the British left bank opposite and above St. Louis. Thus young Jean-Bâtiste du Coigne, the Illinois greatchief, stood with one foot in each camp until Clark's easy victory

²³ Gálvez to Samuel Huntingdon, July 9, 1780, in carpeta beginning with Gage to C'Reilly, Nov. 18, 1769, Legajo 2370.

²⁴ Gálvez to De Villiers, Aug. 26, 1778, fifth letter, Legajo 1.

²⁸ Same to same, Oct. 19, 1778, Legajo 1. *Of.* Hutchins, *Historical Narrative* . . . of *Louisiana*, 56. In Hutchins' own copy (Ayer Collection) a marginal note in pencil sets 1780 as the date of removal caused by a flood and 1781 as the date of a Chickasaw attack.

of July 4 convinced the Kaskaskia that their destiny lay no longer with the British. A group of Delaware allied with the Chickasaw in service of British interest had asked Jean-Bâtiste in March to help in building a royalist fort26 below the mouth of the Ohio where Lieutenant Linn and his bargemen had rested one year earlier, but Clark's action against the Illinois Country reserved this site for his own Fort Jefferson.

The Delaware had settled on Wabash River at the mouth of the White.27 Not far away, adjacent to the old French Post Vincennes (Vincennes, Indiana), lived the tribe of Mascouten. The Kickapoo lived scarcely one mile away on the Wabash.²⁸ These tribes and the Miami, farther up the river and also in villages toward the east, welcomed uncertainly the advance of a royalist force led by the lieutenant-governor of British, Detroit, who proclaimed to the people of the Illinois Country late in December, 1778, that the Chickasaw and other southern nations, accompained by British troops from Pensacola, soon would march against the rebel troops of George Rogers Clark.29

Alliance with the British had brought the Chickasaw to be enemies of the Americans as in earlier years they had been enemies of the French. A state of at least theoretical hostility existed between Chickasaw and Kaskaskia. Yet the Chickasaw below the Ohio could not fail to understand that the fortunes of white men's war might lead them to the choice that Jean-Bâtiste du Coigne already had made. Colonel Clark, preparing the expedition by which he freed Vincennes from British invaders before the end of winter, chose an oblique method of luring the Chickasaw into correspondence with him. He sent Jean-Bâtiste to ask that they should end the Kaskaskia state of war and to make a few sly remarks. The Chickasaw received the great-chief kindly and gave him hope of a treaty for his own people, but they were not ready to speak kindly of the Virginians.30 Yet Jean-Bâtiste, acting yet vainly against the British, had trodden out a path that later he would tread successfully to the distress of the Spaniards.

Oliver Pollock in Spanish New Orleans wrote to Patrick Henry in July, 1779, that goods in that port were expected to

²⁶ Cruzat to Gálvez, March 30, 1778, Legajo 2358.
27 James, op cit., 298.
28 Report on Indian tribes, annexed to Cruzat to Gálvez, Dec. 6, 1777, first letter, Legajo 2358.
29 James, op. cit., 96.
20 Ibid., 260-261.

double in price because war between Spain and Britain was daily expected.³¹ The order for war arrived. On August 27 Governor Gálvez and Pollock led out an army of Spanish subjects and a few Americans to whom within five weeks the British of Fort Bute and Baton Rouge surrendered their posts.³² Surrender of Baton Rouge included surrender of Natchez and of its ungarrisoned Fort Panmure. Gálvez, appointed to Natchez the former commandant of San Gabriel de Manchac, Lieutenant Jean de la Villebeuvre,³³ who twelve years earlier as a sub-lieutenant had held the last command at the Spanish Fort San Luis opposite Natchez.³⁴

It seemed to the American commander at Fort Pitt that little remained to the Americans to do in protecting the Mississippi River against the British.³⁵ Yet in the following July (1780) and again in August Chickasaw Indians led by James Colbert, a white trader, or by one of his half-breed sons, attacked Captain Robert George in Clark's new Fort Jefferson below the Ohio mouth and ruined the new farmers' fields,³⁶ already half-ruined by drought. Evacuation of the fort was not long delayed. Clark's lieutenant-colonel, John Montgomery, escorted some farmer families from Fort Jefferson and others from the Illinois to a new Spanish home in Natchez.³⁷

A six years' period of climatic change beginning with the summer drought that helped the Chickasaw ruin Fort Jefferson's crops ruined likewise in 1780 the cornfields of Natchez and the Arkansas fields near the new Fort Carlos III and greatly reduced the yield of cornfields and wheatfields in the Ilinueses, the Illinois and the region of Vincennes. Heavy snows in the winter melting in the heavy rains of spring preceded unseasonably dry weather of successive summers and raised successive June floods on the lower Mississippi. A great flood on the upper river drowned Ste. Genevieve in 1785. But Governor Gálvez had authorized Captain de Villiers in 1778 to remove the Arkansas Post from danger of high water.

at Ibid. xevii.

³² Gálvez to Josef de Gálvez, Oct. 16, 1779, Legajo 1232. Fort Bute became the Spanish Manchac post; Fort San Gabriel became a plantation house, the Casa Ibervilla.

³³ Of. Delavillebeuvre to Gálvez, Manchac, no date, annexed to Gálvez to D. J. Navarro, July 13, 1778, Legajo 2351.

³⁴ O'Reilly to Arriaga, Dec. 29, 1769, AdeSD, 80-1-9.

³⁵ James, op. cit., 408.

³⁰ Ibid., 436-437, 456-457, 497.

²⁷ Ibid., 457, 497-498; Alvord, Kaskaskia Records, 195-196; Delavillebeuvre to Gálvez, Dec. 14, 1780, Legajo 2359.

Peace descended with the floods upon the lower Mississippi. Former British subjects remaining in Natchez took the oath of Spanish allegiance.³⁸ Whether the capitulation of Baton Rouge gave the Spaniards dominion over all the left bank as far as the Ohio might be doubtful, but on behalf of the Arkansas Captain de Villiers made in legal form a Spanish claim to the extent of left bank opposite his own district, which at the northward included St. Francis River. With writing materials, with a box of sheathing of tin foil and with a paper or coin bearing the arms of His Catholic Majesty, he left his new fort in November, 1780, accompained by Anselme Villet, one of his more prominent traders, by Stephen Gooding, his unofficial interpreter of English,39 by Louis Potin, a river boatman, and by three Spanish soldiers. The expedition landed at the sweet gum tree of Concord. There Captain de Villiers added his signature below the signatures of his companions to an affidavit in accord with which he acted as follows:

Don Baltasar de Villers, Captain of the Regiment of Louisiana, Civil and Military Commander of Post Carlos Third of Arkansas and dependencies:

Today, the twenty-second of the month of November of seventeen hundred and eighty, in the name of the King of Spain, Don Carlos Third (God keep him), we took possession of the left bank of the River Mississippi opposite the Rivers Arkansas, White and St. Francis, as far as the limits of the garrison of Natchez, as dependencies and jurisdictions of this post.

And being in the place called Concordia we put this present affidavit, with the royal coat of arms of His Majesty, into a box of tin foil, fifty paces eastward from the river and one foot and a half into the earth, at the foot of a tree called copalma two brasses in circumference, with old blazings and three new slashes; in attestation of which the signatures are appended of the following persons: Anselmo Billet, Estevan Gooding, Pedro Tamina, Louis Poten, Juan Bautista Andueza and the mark of Lorenzo Quino. Made duplicate in the aforesaid place. Dated as above.40

In Kaskaskia on May 6 of that same year Jean Saint-Germain on his way from Paris to Natchez had joined Colonel Montgomery

Section of Blommart, Testimonio, Legajo 173.
 Declaration of Gooding, Testimonio.
 Declaration of Blommart, Testimonio, Legajo 173.
 Declaration of Gooding, Testimonio.
 Declaration

in proclaiming the virtual alliance of French, Spanish and Americans. Three weeks later the British from beyond Lake Michigan had made a raid on St. Louis, from the defence of which Captain de Leyba won an honorary title of lieutenant-colonel that he did not live to receive.41 For bravery in the action against Fort Bute and Baton Rouge and the subsequent capture of Mobile, and for other reasons, the king in that same year awarded promotions to various officers and officials, some of them as follows: Major Estevan Miró to be lieutenant-colonel of the Battalion of Louisiana; Captain Pedro Piernas, who already held the honorary title of lieutenant-colonel, to be major of the battalion; Captain Cruzat and Captain Charles de Grand-Pré to hold honorary titles of lieutenant-colonel; Jacob Dubreuil, adjutant major of the battalion, to be a captain; Charles de Villemont, a cadet, and Antonio Soler, an artillery sergeant, to be sublieutenants; Martín Navarro, comptroller, to be intendant and Bernardo Otero, treasurer, to be comptroller.42

Governor Gálvez spent much of the year in preparation for his combined military and naval expedition against British Pensacola, which was to bring West Florida again within the Spanish domain; during his absence in Cuban waters Lieutenant-Colonel Piernas ruled in Louisiana as acting governor. Jean Blommart, having taken the oath of Spanish allegiance in Natchez, acted like any other enterprising Spanish subject in carrying his own products and those of his neighbors to New Orleans for sale to the government of Louisiana.⁴³ The war and the consequent lack of hard money in the province caused payment for these goods to become a credit to Blommart's account on the provincial treasurer's books.⁴⁴

In Natchez and elsewhere the drought continued; on June 3 of the following year Captain de Villiers had remaining at Arkansas Post grain enough from his supply of 1780 to ration his garrison during two weeks only. Earlier in 1781 he had sent his wife to New Orleans on her customary springtime trip. Aboard the pirogue of the Arkansas boatman Potin, Madame de

⁴¹ Josef de Gálvez to Gálvez, Feb. 9, Legajo 175; same to same, Nov. 15, 1781, No. 54, Legajo 182.

List annexed to Josef de Gálvez to Gálvez, Jan. 12, 1780, No. 34, Legajo 175.
 Of. Martín Navarro to Gálvez, April 23, May 5, 1780, Legajo 83.

⁴⁴ Piernas to Gálvez, April 30, 1781, Legajo 3.

⁴⁸ Cruzat to Piernas, June 23, 1781, Legajo 2351.

Villiers travelled back up the river in April⁴⁶ accompanying a big bateau destined to the Ilinueses.

The bateau belonged to a river trader, Louis Parent,⁴⁷ a native of Quebec,⁴⁸ whose nickname Bois le-Duc⁴⁹ the other boatmen in their Canadian speech reduced to the form, Bolduc, that Parent himself acknowledged as his name. Aboard this boat travelled Francisco Vigo, a Spanish merchant of Vincennes, and three prominent residents of Ste. Genevieve; Francis Vallé, militia lieutenant and son of Ste. Genevieve's militia captain; Jean-Baptiste Datcherut, a trader, and Bolduc himself, and also his patron or skipper, René Rappicault. The cargo was of such value that its sale price in the Ilinueses would amount to \$60,000 or more.

In Natchez on April 21 the trader and patron Lajeunesse from Arkansas Post was a guest in Fort Panmure when Jean Saint-Germain entered with news of imminent revolt. Soon first one and then another loyal resident of Natchez came to confirm the news. 50 On April 22, when passengers from New Orleans aboard the bateau and pirogue were dining with a planter at Ellis Cliffs, British royalists under command of Jean Blommart, former captain of British militia and leader now of British volunteers, besieged the fort and the Spanish garrison. 51 Below the Natchez landing at 7 o'clock next morning a bateau with a pirogue, \$60,000 worth of trade goods and an embarrassing number of prominent Spanish subjects fell prize to the boat of John Turner, 52 a lieutenant in Blommart's little army.

The rebels expected prompt reinforcement from General John Campbell, the British commander of Pensacola, where all the regular troops of New Orleans were aiding Governor Gálvez in the siege. Captain de la Villebeuvre held out during two weeks,

⁴⁶ Potin and his pirogue are items in the declarations of the *Testimonio* previously cited. Nothing to suggest Madame de Villiers' presence in Natchez in April and May, 1781, has been found in the correspondence of that year or in any of many declarations. The lady's inclusion as a captive with the passengers from the bateau is revealed in an official letter written one year after the fact: Grand-Pré to Miró, Natchez, May 6, 1782, No. 233, Legajo 9. It is inferred she travelled in Potin's pirogue.

⁴⁷ Of. Alvord, Kaskaskia Records, 377.
48 Declaration of Bolduc, Testimonio.

⁴⁹ Martín Navarro to Gálvez, May 7, 1781, Legajo 83; Grand-Pré to Miré, May 6, 1783, No. 283, Legajo 9.

Statement, May 26, signed by Saint-Germain and others, copis 5 annexed to Miró to Josef de Gálves, June 5, 1782, second letter, AdeSD, 87-3-10; declaration of Natches garrison, May 3, 1781, Legajo 2370.

⁵¹ Miró to D. J. Navarro, May 25, 1781, Legajo 1804.

⁵² Declarations, Testimonio. Correspondence, reports and scattered documents concerning Blommart's revolution are in Legajos 3, 9, 83, 173, 1232, 1304,1376 and 2370, among others. Copies of many of the declarations are annexed to Galvez to Josef de Galvez, Oct. 26, 1781, No. 29, AdeSD, 86-6-12.

if not for the sake of a possible rescue from down the river at least for the sake of His Catholic Majesty's royal honor. On May 4 he surrendered; John Turner and his squad of British volunteers were the first to enter Fort Panmure.53 Blommart sent a messenger to General Campbell in Pensacola and expected a reply by the fourteenth or fifteenth.54 He released Delavillebeuvre and the Spanish garrison and let them go down the Mississippi. Thus at half-past 8 on the night of the fourteenth Lieutenant-Colonel Piernas in New Orleans learned from his Natchez commandant how Blommart had besieged and taken Fort Panmure. On May 19 he forwarded to Pensacola Bay Delavillebeuvre's diary of the siege.55

Two days before the commandant's arrival in New Orleans a swift messenger had brought to Natchez the news that Pensacola had fallen to the Spaniards. John Turner and many other Spanish traitors fled to the wilds, but Jean Blommart took the responsibility of remaining to preserve Fort Panmure for its truly Spanish masters. On June 22 a force of militia from New Orleans and the coasts occupied the fort without opposition. 56 On July 4 a prisoner, Jean Blommart by name, underwent questioning by the court in New Orleans.⁵⁷ Reminded by the court that his oath of allegiance had caused him to be since more than a year past a Spanish subject, Blommart made full confession to a capital crime, whether it might be construed as sedition, treason or both. He and five other men of Natchez tried and convicted, as Spanish subjects, of the same offense abided in the New Orleans jail as criminals of state while the papers in their cases went to the superior government for approval of convictions carrying the death penalty.

Four days after the day when Jean de la Villebeuvre yielded to Jean Blommart in Natchez, Bernardo de Gálvez before Pensacola saw the white flag raised above the principal British defense, but the next day, May 9, became official as that of Pensacola's surrender. Gálvez showed himself generous in victory. He intended to release General Campbell and the other British officers on parole and send them to New York rather than subject them to the slow process of exchanging prisoners.

<sup>Declaration of Jacob Winfree.
Martin Navarro to Gálvez, May 10, 1781, Legajo 83.
Piernas to Gálvez, May 17, 19, 1781, Legajo 3.</sup>

⁵⁶ Louisiana Historical Quarterly, XVI (1933), 63-64.

⁸⁷ Testimonio.

Negotiations went on smoothly enough in an interchange of many letters between victor and vanquished. The phrasing of General Campbell's letters passed sometimes toward the limit of politeness, but Bernardo de Gálvez knew that the literary style was that of the general's secretary, Major James Campbell,58 and he politely ignored successive affronts. General Campbell was expecting to start almost any day on his voyage to New York when on May 25 Gálvez received from New Orleans a letter containing the first news of an attack made on Natchez by persons unknown to the reporting officer. 59 Gálvez sensed that the British commander might not have treated him with complete frankness in surrendering only West Florida and not mentioning the status of any other region that might become a matter for future discussion to Spanish disadvantage. On May 25 Bernardo de Gâlvez inquired by letter whether John Campbell had authorized residents of Natchez to act against the territorial rights of Spain.

General Campbell replied evasively. He devoted himself to oratory on the subject newly presented and advised the Spanish governor to treat the besiegers of Natchez (if indeed there should be any such) in accordance with justice. With insolence far exceeding his former veiled discourtesy he extended his remarks to demonstrate the superiority of British character and British morals over the character and morals of Spaniards. In January, nearly eight months later. Bernardo de Gálvez still seethed from the fire of those words. In January as in the preceding May he recognized the words, however, as those of Campbell's secretary, and to describe that minor officer in befitting terms he searched to notable effect a vocabulary notable for abusive force. But at Pensacola in May he kept his official temper and tried to learn why the general was coy. He repeated his question and again repeated it with no better result than to draw from General Campbell on May 29 the suggestion that orders from Canada or "the turbulent ambition of some American rebels" might have led to disorders in Natchez. On that same day Gálvez received from Louisiana the report of Captain de la Villebeuvre, which revealed the truth.

On March 17 General Campbell had issued two military commissions to two men of Natchez who had come to Pensacola

⁵⁵ Gálvez to Josef de Gálvez, Havana, Jan. 18, 1782, No. 48, AdeSD, 86-6-12.
55 The first letter sent from New Orleans on this subject was that of Piernas to Gálvez, April 30, 1781, Legajo 3, previously cfted, based only on information brought by Indians to Lieutenant-Oolonel de Grand-Pré, commandant of Pointe Coupée.

for that purpose. Campbell had signed in blank other commissions that the messengers took back and distributed in the following month. The commissions authorized volunteers of Natchez to act for Britain against Spain. Blommart's revolution was Campbell's revolution; yet Campbell had concealed from his conqueror even its existence in hope that he himself might be on the way to New York before Gálvez should learn how thoroughly two Scots had tricked a Spaniard. Campbell was leaving Blommart and the other volunteers of Natchez to pay his unacknowledged debt with their lives.

Now the governor of Louisiana let himself at last fly into a powerful rage. On that same May 29 he wrote to Campbell a letter of denunciation. He berated the Scot for denying complicity in the revolt of Natchez. In plain language he impugned the veracity and the honor of the British officer. He withdrew in part his permission already given for parole and passage to New York. He ended his message as follows:

When you sought safety for your own person you thought nothing of leaving others in extremity, as may happen to Blommart. I give you all these reasons in order that you may understand that in deciding that your person and that of your brigade major shall be held for exchange I have in view no end but that never shall the innocent pay in place of the guilty. Therefore all the officers to whom the order has been given shall begin their voyage. Only you and your general major shall not leave your house. 61

Thus an indiscreet British officer found himself transported to Mobile for two years of detention if not of imprisonment. Thus also Jean Blommart and five other men of Natchez gained the best safeguard behind which any convicted criminals might shelter themselves in Louisiana. Louisiana's governor could condone deceit no more than he could tolerate acts of injustice committed by persons other than himself. The trickery practiced by John Campbell in Pensacola caused Bernardo de Gálvez to become the champion of that genial Swiss with whom and with Oliver Pollock he once had considered prospects of Arkansas trade.

⁶⁰ The commission to Jacob Winfree, one of the messengers, contains this provision: Legajo 114. Blommart's commission, one of those signed in blank, is worded more vaguely: Testimonio.

el Gálvez to Campbell, May 29, 1781, Legajo 2359. In addition to two groups of the Gálvez-Campbell correspondence in this legajo and one letter (Gálvez to Campbell, May 30, 1781) in Legajo 182, texts in great part duplicating those just cited are annexed to the report on the Gálvez-Campbell affair: Gálvez to Josef de Gálvez, Havana, Jan. 18, 1782, No. 48, AdeSD, 86-6-12.

For the moment the governor could not act in favor of Blommart, since no one of lower rank than the captain-general held authority to delay the process of law in the case of criminals. From his Caribbean headquarters, Cap François (El Guaricó de Santo Domingo), he directed more warfare against the British. His king sent him the title of count, a lieutenant-general's commission and other honors. Meanwhile officers of government in New Orleans examined Blommart's account books to find a credit due Oliver Pollock for \$472.57,62 perhaps a much greater debit against Balthazar de Villiers and, if possible, a collectible balance to be confiscated in addition to left-bank lands, a Natchez flour mill,63 and the items credited to Blommart on the provincial treasurer's books.

One new honor accorded to Gálvez was the captaincy-general of Havana, through which as a court of review must pass all Louisiana convictions for felony. Acting as captain-general even before he had assumed office, the Count de Gálvez suspended execution of the sentence of death against Blommart and five other companions in misfortune. On November 20, 1782, his uncle the colonial minister wrote him that the colonial council (Consejo de Indias) sitting in its weekly committee of the whole had approved that act.64 The Spanish government was pleased to show clemency toward Britons, since its British war had come almost to an end. On January 31, 1783, King Carlos III ratified the preliminary articles of peace, of which article 9 read in part as follows: "Prisoners taken respectively by the arms of His Catholic Majesty and [those] of His Brittanic Majesty, by sea and by land, shall immediately upon the ratification of the definitive treaty be restored reciprocally and in good faith, without exception."65

News of peace required two months' time to cross the sea to Cap François, where the conqueror of Pensacola sat temporarily bottled up by Rear-Admiral Rowley's British squadron from Jamaica. News arriving aboard a French ship changed enemies into friends. The admiral's guest, the British royal Duke of Lancaster and future king of England, came ashore to call upon General Count de Gálvez before the squadron should sail away

⁶² Three declarations by Oliver Pollock, no date; July, 1781?, Legajo 2370. Of. Grand-Pré to Miró, May 6, 1782, and subsequent dates, Legajo 9.

⁶³ Dallas to McGillivray, July 3, 1778, annexed to Galvez to D. J. Navarro, Oct. 16, 1779, Legajo 1232.

⁶⁴ Josef de Gálvez to Gálvez, Nov. 20, 1782, Legajo 175.

^{*5} Text of preliminary articles of peace, annexed to same, Feb. 26, 1783, Legajo 175.

for Jamaica. Here was the opportune moment to free the relatively innocent of Natchez from further payment for General Campbell's enterprise. To do so General de Gálvez usurped a royal prerogative. Before the squadron sailed he sent aboard the flagship an order for the release and permanent exile of his prisoners in New Orleans. From Jamaica on April 13 the duke wrote to Gálvez accepting the offer of six Hispano-British lives. Two months later the minister of the colonies repeatedly assured his nephew that the king had approved a captain-general's presumption and had issued a pardon to the six convicts. 66

Meanwhile Gilbert-Antoine Saint-Maxent, colonel of New Orleans militia, was a prisoner in Jamaica, captured aboard a French ship. Colonel Maxent, as the Spaniards called him, had distinguished himself in September, 1779, by being the first to enter Forte Bute (through a gunport) at the time of British surrender. He had distinguished himself to greater effect by marrying off his daughters, one to Governor Unzaga and one to Governor Gálvez. Archibald Campbell, governor of Jamaica, recognized him therefore as a hostage suitable to hold in order to force the release of another Campbell from detention in Mobile.

To Havana had come Unzaga, now a field marshal after some years of service as captain-general in Caracas, and in Havana he was acting as captain-general until his brother-in-law should relieve him. On February 6 he wrote the first of a series of letters to Governor Campbell and Admiral Rowley seeking the release of his father-in-law. Not until the royal duke had accepted the lives of the men from Natchez and the admiral had arranged to send a ship to New Orleans to rescue them, could the governor of Jamaica persuade himself to forward Colonel Maxent to Havana, and then only on the implied condition that Campbell of Mobile should be released without waiting for the definitive treaty, still several months distant in the future.⁶⁸

Unzaga's reply on May 14 was necessarily a refusal. Concerning the forthcoming peace the colonial minister had in-

^{**} Josef de Gálvez to Gálvez, June 24, 1783, two letters, Legajo 175; Gálvez to Josef de Gálvez, April 25, 1783, No. 242, and enclosures, AGI, Indiferente General, 146-2-3. The last enclosure is the draft of Josef de Gálvez to Gálvez, Aug. 10, 1783.

er Gálvez to Josef de Gálvez, Oct. 16, 1779, Legajo 1232.

⁶⁸ Marquis de Bouillé to Unzaga [really, to Cagigal], Nov. 13, 1782, and annexes; correspondence of Unzaga with Archibald Campbell and Joshua Rowley, year 1783, Legajo 1355. Colonel Maxent reached Havana on April 26: Unzaga to Gálvez, April 28, 1783, No. 77, AdeSD, 80-1-23.

structed Bernardo de Gálvez in his letter of November 20, 1782; until the peace, he had decreed, Campbell should remain as a hostage. General de Gálvez moreover was reserving to himself the privilege of dealing with the annoying Scot from Pensacola. Yet the delayed decision of Gálvez could not directly affect General John Campbell, who had sailed from Pensacola in June, 1781, and after a day of Spanish hospitality in Havana had gone on to New York, arriving there on July 14.71

In Pensacola on the last day of May, 1781, Bernardo de Gálvez had reconsidered his hasty segregation of General Campbell. Campbell had surrendered only Pensacola and West Florida. In order that future complaints of imprisonment and coercion might not invalidate an additional surrender of Natchez, which Gálvez forced from him in early June, it was necessary that General Campbell should be set completely at liberty. Freed of restraint, he had included Natchez in his capitulation⁷² and thereupon had sailed for Havana and New York. But in order that not all the guilty should escape, Bernardo de Gálvez had condemned a British officer to open arrest in Mobile. Of the two Scots who had tricked him in Pensacola he visited his displeasure upon the one who had annoyed him the more. His prisoner of Mobile was the general's oratorical secretary, Major James Campbell.⁷³

CHAPTER IV

THE REVENGE OF JAMES COLBERT

Desertion from the Spanish army was a crime punishable in time of peace by six years of imprisonment and in time of war by death, but in 1778 and 1779 Louisiana welcomed Hessian deserters from Fort Bute, whether as soldiers or as farmers. By spring of 1781 Hessians had joined the Regiment of Louisiana to the number of ninety. Perhaps this source supplied to Arkansas Post the German soldiers who in that year formed part of the resident garrison. Colonel Piernas did not trust the Hessians to fight against the British rebels of Natchez. Captain de

⁶⁹ Josef de Gálvez to Gálvez, Nov. 20, 1782, Legajo 175.

⁷⁰ Unzaga to Archibald Campbell, May 14, 1783, Legajo 1355.

⁷¹ Vicente Dávila, ed., Archivo del General Miranda (15 v.; Caracas, 1929-1938), V, 80, 185.

⁷² Gálvez to Josef de Gálvez, Jan. 18, 1782, No. 48, and annexed surrender of Natchez, AdeSD, 86-6-12.

⁷⁸ Archibald Campbell to Unzaga, April 15, 1783, Legajo 1355.

¹ Gálvez to Josef de Gálvez, March 21, 1777, No. 12, ANH, letterbook.

² Gálvez to Diego Joseph Navarro, July 10, 1778, Legajo 1232; Miró to Gálvez, May 23, 1781, second letter, Legajo 3.

Villiers likewise may have felt misgivings concerning his Germans. Blommart's rebellion caused him to fear that the many British subjects among the Chickasaw nation might raise the Indians and attack his post.3 His earlier danger lay however not in open attack but in sedition.

Among the hunters from the left bank who were enjoying the privileges of the Arkansas, William Johnston and Edward Cochrane thought themselves capable of conquering Arkansas Post for the British king. They won to their secret cause at least two other "Americans" and two of Captain de Villers' German soldiers, Albert Faust and John Frederick Opendal. Because they talked too freely their intention to take armed possession of Fort Carlos III and to bar the Mississippi to Spanish traffic became known to the voyageur bourgeois Menoy and to other faithful French of the Arkansas, who carried their discovery to Captain de Villiers. The commandant arrested the six rebels, held court, took testimony and at the end of February, 1782, sent his prisoners to New Orleans adorned with six pairs of handcuffs and accompanied by some of the witnesses and a transcript of his court proceedings. By letter he impressed upon the governor's mind the necessity of returning the handcuffs for future Arkansas use.

Colonel Miró, who had succeeded Piernas as acting governor late in May, 1781, called some of his officers into a council of war to act as a superior military court. Against two of the "Americans" no case of sedition was proved, but Johnston, Cochrane and the two soldiers had confessed their guilt to Captain de Villiers. The evidence sufficed to bring from the council a verdict of guilty, which carried with it the sentence of death. Although the military court of New Orleans held power to pass sentence, its finding was subject to review. For this purpose the case with all its accumulated papers went next to the new captain-general of Cuba, Juan Manuel de Cagigal, and from him to the judge-advocate of Havana, who opined that the two provincial courts had proceeded properly. The captain-general therefore attached to the papers his decreto of approval and returned the file to New Orleans. There by warrant of the decreto the four convicted criminals were put to death.4

³ Piernas to Gálvez, Aug. 22, 1781, Legajo 1376.

⁴ Mir´o to De Villiers, March 29, 1782, Nos. 94, 97, Legajo 3; Mir´o to Cagigal, May 5, No. 18, Cagigal to Mir´o, May 31, 1782, Legajo 1304; Dubreuil to Mir´o, Oct. 9, 1786, No. 44, Legajo 12.

Captain de Villiers had acted with the skill of an experienced officer, but his financial misfortunes had cost him at last the forebearance of Bernardo de Gálvez. François Menard, the most enterprising of the Arkansas habitants and traders, had held against him during two years past a claim for the value of 700 pounds of suet, and De Villiers did not pay the claim despite an order from Piernas in 1781. Now before the middle of March, 1782, came Madame de Villiers again to New Orleans, no better able (perhaps less able) than ever to regulate her husband's accounts in the town. On March 13 Colonel Miró reported to Governor Gálvez concerning the Arkansas and its commandant, and Gálvez from his Caribbean headquarters at Cap François sent back orders of June 6 "to relieve him by St. Cyr, and to tell Señora Otero that I wish to be of service to her." 5

The officer whom Gálvez destined to the Arkansas command was known to his friends as Saint-Cyr, to the army list as Jacobo Dubreuil and to his family as Jacob Dubreuil Saint-Cyr.⁶ He was perhaps a grandson of that Dubreuil who through energy and business sense became in the 1720's, and during decades remained, the most prominent civilian of French Louisiana. The younger man was a Spanish sub-lieutenant as early as 1767 and may have been about 35 years old when promotion from adjutant major to captain in January, 1780,⁷ made him eligible to command an important post. He asked then, and perhaps before the following winter received, permission from the government to marry Doña Inés, daughter of Bernardo de Otero the comptroller.⁸

Governor Gálvez held the comptroller and his lady in esteem. For this reason or some other reason the new captain gained opportunity for trade profits in 1781 by way of an appointment to command the replacement company, two officers and eighty men, whom Piernas sent up that year to the Ilinueses. Travelling two months ahead of Madame de Villiers and Potin's pirogue, Dubreuil passed Natchez in a month of peace, delivered government shipments at the Arkansas, lost one man at night in an Indian attack, half-hearted, at the second Chickasaw Bluff (a

⁵ Gálvez to Miró, June 6, 1782, Legajo 9.

The full name appears in Hill, Descriptive Catalogue, 106, with reference to Legajo 172.

List annexed to Josef de Gálvez to Gálvez, Jan. 12, 1780, Legajo 175.
 Gálvez to Josef de Gálvez, June 5, 1780, No. 386, ANH, letterbook.

Of. Clarence Walworth Alvord, ed., Cahokia Records, 1778-1790 (Springfield, 1907),

¹⁰ Cruzat to Piernas, June 23, 1781, Legajo 2351.

sentry cried out of the night, "Indians in the camp!") and reached St. Louis without further incident.11

Remembrance of this attack at the Bluffs may have joined in the mind of Captain de Villiers remembrance of his wife's captivity at Natchez in the same year and his fear of British nationals among the Chickasaw nation. Madame de Villiers on her annual trip to New Orleans in 1782 carried her husband's letter of February 27 begging that Jean Diane, the Arkansas riverman, should be ordered to escort her on the return journey all the way to the post. Governor Miró in reply promised to issue the order and to direct also that boats bound up the river should travel in company.¹²

All danger (except to Madame de Villiers) lay above Natchez. Of six boats upward bound several may have left New Orleans at the same time, but before the first came to Natchez they were widely scattered. A big bateau, owned and supervised by Silvestre Labbadie of St. Louis, loaded with Indian presents, gunpowder and much other merchandise, with many casks of rum, with \$1,500 belonging to private persons and \$4,500 belonging to the ration fund of soldiers in the Ilinueses, and carrying as passengers in its deckhouse Doña Nicanora Ramos, wife to Lieutenant-Colonel Cruzat of St. Louis, and her small sons, passed Natchez about April 5. About April 14 the bateau owned by Eugene Pourré, captain of St. Louis militia, bade good-bye to Natchez also.

In company followed the boat of Eugenio Álvarez, a St. Louis merchant, and another owned by François Vallé, the aged militia captain of Ste. Genevieve. 15 Probably aboard the boat of Captain Vallé travelled the owner's daughter, Marie-Louise, 16 and her husband, Lieutenant Louis de Villars, returning to military duty in the Ilinueses. Captain Dubreuil came next, arriving May 11 on another trip to St. Louis. He delayed at Natchez

¹¹ Dubrueil to Piernas, dated only 1781, annexed to Cruzat to Miró, Aug. 8, 1781, second letter, Legajo 9.

¹² Miró to De Villiers, March 30, 1782, No. 95, Legajo 3.

¹³ Miró to Grimarest, June 3, 1782, Legajo 3; Martín Navarro to Josef de Gálvez, June 4, 1782, No. 123, AdeSD, 87-1-19.

¹⁴ Labbadie's bateau is not described; for suggestion of deckhouse cf. Labbadie to Miró, May 22, annexed to Miró to Josef de Gálvez, June 5, 1782, second letter, AdeSD, 87-3-10. For a deckhouse aboard Lafont's (similar) bateau cf. Grand-Pré to Miró, May 15, 1782, No. 244, Legajo 9.

¹⁵ Grand-Pré to Miró, May 15, 1782, No. 244, Legajo 9.

¹⁶ Dubreuil to Miró, May 5, annexed to Espeleta to Gálvez, Aug. 20, 1783, Legajo 2360. Houck, Spanish Régime, I, 149, confuses the families De Villars and De Villiers.

during four days in order to wait for Madame de Villiers and to guard her to the Arkansas, but Madame de Villiers was detained at Pointe Coupée.

The illness that brought François Allain, civilian commandant of that post, to his death about the first of May, 1782, 17 had advanced with the winter, and in March the post command devolved upon the elderly Nicolas Delassize, a former officer of Natchitoches. Delassize held strong opinions concerning the disorderly state of his district (the region of the Ouachita) and opinions no less strong concerning traders who did not pay their debts. Among Ouachita defaulters none was better known to Pointe Coupée and to its new commandant than Captain de Villiers. Since Madame de Villiers was due at Natchez about May 12 she had left New Orleans at the customary date, about one month earlier. The second week of April, then, may have been in course when the lady's pirogue approached Pointe Coupée.

Perhaps to visit old friends Madame de Villiers halted at a plantation one league below the post and by land sent her passport to Commandant Delassize for his visa. So she found herself under arrest as an absconding debtor. Delassize refused her a visa for her upward journey and threatened to confiscate her cargo if she did not satisfy her husband's creditors or compromise his debts. This was an excess of zeal on the part of an officer inexperienced in command. Madame de Villiers and her husband were official personages, not liable to suit except before the governor (or the acting governor) in his own court. The lady sent an appeal to New Orleans, and on April 17 Colonel Miró ordered Delassize to grant her and her cargo free passage. 19 But appellant missed her appointment at Natchez. Captain Dubreuil continued alone on his voyage from Natchez to the Ilinueses. Under circumstances not revealed Madame de Villiers made her way to Arkansas Post. There she found her husband's health in an alarming state.

Captain de Villiers' health had not adversely affected his discernment when in February he foresaw hostilities on the part of the British from the left bank. The bateau of Captain Pourré, leaving Natchez about the middle of April, had progressed some twenty miles above the Yazoo mouth when at 10 o'clock on the

Miró to Delassize, May 11, 1782, Legajo 3.
 Same to same, April 3, 1782, Legajo 3.

¹⁰ Same to same, April 17, 1782, Legajo 3.

morning of the nineteenth, it was halted and seized by the pirogue of John Turner, the fugitive Spanish traitor who had captured Bolduc's boat one year earlier at Natchez. Four hours later the bateau was free again and eight of Turner's armed men floated dead in the water, killed by oars in the hands of unarmed Spanish, French and American rivermen. Turner and five men escaped in their pirogue. Pourré turned back and with the boats of Vallé and Alverez, which he met on the way, went down to Natchez. Well armed now and escorted by Indians from Natchez the three boats left again about April 22 bound to Arkansas Post.²⁰

Captain Pourré had brought to Natchez news that a band allied with Turner intended to intercept Madame Cruzat and Labbadie's bateau farther up the river. Some colonists from Tennessee River arriving one day before Dubreuil appeared on his upward voyage reported a big boat with cargo of Indian corn and wheat flour on shore and deserted at the third Chickasaw Bluff (Memphis). Indians coming down to Arkansas Post reported there that near the mouth of St. Francis River another big boat lay ashore, broken and likewise deserted.

The cargo boat of the Bluff was easily recognized by description as a bateau belonging to a riverman of St. Louis, Charles Lafontaine, whom the river knew as Lafont and who was expected with foodstuffs to relieve the misery of Natchez, still stricken by drought. Arkansas Post did not yet know that Labbadie's bateau lay within Wolf River. Captain de Villiers assumed that the boat at the St. Francis was the one in which Madame Cruzat had travelled. To rescue the wreck and if possible the lady he sent back the Indians who had brought him the news. With them went the three boats that had just arrived from Natchez. Aboard one of these travelled Lieutenant de Villars and his wife, again bound to the Ilinueses.²¹

Near the St. Francis the expedition found the lady indeed, but Madame Cruzat had rescued herself. On April 25 in the Esperanza bend opposite Wolf River's mouth she and her companions of voyage had fallen prisoners to men employed by James Colbert, that same Colbert (or perhaps the father of that Colbert) who had led the Chickasaw attack against Fort Jeffer-

²⁰ Grand-Pré to Miró, April 22, 1782, No. 223, Legajo 9. Cf. traditional accounts in Leland Dewitt Baldwin, The Keelboat Age on Western Waters (Pittsburgh, 1941), 16.
²¹ Grand-Pré to Miró, April 22, May 15, 1782, Legajo 9. The true name of Lafont appears in Piernas to Miró, Nov. 3, 1782, Legajo 9.

son in the summer of 1780. Colbert sent some of Labbadie's cargo to the Chickasaw village thirty leagues distance on the Tombigbee. Labbadie's casks of rum found resting places on the bank of the Mississippi and on the bank of Wolf River, into which the bateau had entered. Colbert was willing to release Madame Cruzat with her sons, but he thought a pirogue would suffice as a vehicle for her departure down the river. The lady's Iberian vehemence intimidated Colbert, who consented to sell her Labbadie's bateau, without its cargo, on her promissory note. To the former owner Labbadie he granted only the pair of leather breeches in which that riverman stood.22

James Colbert was a trader and the son of a trader. He had lived since childhood in the Chickasaw nation and spoke the Chickasaw-Choctaw language better than he spoke English.23 His four half-breed sons and his redskin nephews formed the nucleus of a private army that he had used for British benefit in the siege of Pensacola. From among the men of English speech living and hunting and trading in the nation many might join him at times, as one named James Burney did.24 Now Colbert freely revealed his first intent, which was to capture hostages to force the release of Jean Blommart and five companions of imprisonment under sentence of death in New Orleans. For his second project, that of barring the river to Spanish traffic as William Johnston and Edward Cochrane had planned at the Arkansas, Colbert had brought to Chickasaw Bluffs only two dozen men, but he increased that army to twenty-nine25 by adding a few from the boats that he captured in the spring of 1782. Lefont's son, a boatman aboard the grain bateau, joined him willingly.26 The commander of another boat, taken downward bound, was the leader of those who had halted Labbadie's bateau in the Esperanza bend.27

Some of Colbert's men were hunters who cherished ill will toward Captain de Villiers. Colbert did not conceal from his prisoners that he himself loved the Spaniards of the Arkansas no more than did his subordinates or that he was seeking revenge for Spanish treatment given to Jean Blommart. The rivermen

²² Labbadie to Miró, May 22, and declaration of Nicanora Ramos, annexed to Miró to Josef de Gálvez, June 5, 1782, as cited, AdeSD, 87-3-10.

²³ James Adair, History of the American Indians (London, 1775), 370.

²⁴ Louisiana Historical Quarterly, XVI (1933), 81n.

²⁵ Grand-Pré to Miró, June 13, 1782, No. 162, Legajo 9.

²⁶ Piernas to Miró, Nov. 3, 1782, Legajo 9. The son was apparently François Lafontaine; cf. Cruzat to Miró, July 21, 1784, No. 13, Legajo 10. 27 Declaration of Nicanora Ramos.

whom he freed to accompany Madame Cruzat brought with them a tale of an armed expedition of vengeance that Colbert intended to lead within one week against Fort Carlos III. Arkansas Post, therefore, would be no safer for Madame Cruzat and her children than would be the upper river for Madame de Villars. At White River mouth on May 22 the latter transferred herself to Labbadie's bateau to keep Madame Cruzat company on the voyage to New Orleans, where they arrived on May 30. Lieutenant de Villars and three boats of his squadron went up as reinforcements to Captain de Villiers.²⁸

Lieutenant de Villars was qualified by rank in the Regiment to assume temporarily the places of Captain de Villiers, who had become too ill to command Fort Carlos III if attack should be made on it. Madame de Villiers took her husband down the rivers intending to go to New Orleans. They arrived on June 12 at Natchez; there, it appears, the captain died on July 9.29 Lieutenant de Villars stayed on in command at the Arkansas.

Until the arrival of the ladies in Labbadie's boat Governor Miró in New Orleans thought that a Chickasaw war had broken out and that all river traffic was endangered. Informed of the truth he himself with 100 soldiers hastened up to Natchez, where he landed on July 1.30 Meanwhile the situation had cleared. A Quapaw expedition that Lieutenant de Villars sent to Chickasaw Bluffs from Arkansas Post found on the riverbank eight casks of rum wholly unguarded. An inquiring party of Delaware, Peoria and Kaskaskia, whom Lieutenant-Colonel Cruzat sent down from Ste. Genevieve, penetrated inland by way of Wolf River and saw there forty more casks under guard of men who had made the most of an opportunity and desired only repose.³¹ The three boats from the Arkansas set out again on their journey to the Ilinueses and others passed up and down the Mississippi without meeting hostility on the water during the rest of the year. Madame de Villars rejoined her husband to await orders for a return to the north. Far within Wolf River James Colbert's men worked upon the bateau of Lafont to add high, heavy gunwales pierced for twenty oars on each side. Only the lack of artillery

²⁸ Miró to Josef de Gálvez, June 5, 1782, as cited, and enclosures, AdeSD, 87-3-10.

²⁹ Grand-Pré to Miró, June 13, 1782, No. 162, Legajo 9; Miró to De Villars, Natchez, July 9, No. 184, Aug. 14, 1782, No. 189, Legajo 3. A letter of Piernas to Miró, July 17, 1782, Legajo 9, suggests that De Villiers may have reached New Orleans and died there.

³⁰ Miró to Cruzat, July 20, 1782, No. 4, Legajo 3.

³¹ De Villars to Miró, July 6, 1782, Legajo 2359; Grand-Pré to Miró, Aug. 2, 1782, Legajo 9; Louisiana Historical Quarterly, XVI (1933), 78.

was to distinguish this boat from the gunboat that George Rogers Clark had built like a Spanish galley to police the Ohio.³²

The Illinois-Delaware expedition from Ste. Genevieve was officially Spanish. Yet its leader, Jean-Bâtiste du Coigne, the Illinois great-chief and friend of General Clark, was standing again with one foot in each of two white camps and was turning a Spanish expedition into a Virginia embassy to the Chickasaw nation. Even before General Cornwallis had surrendered at Yorktown (October 19, 1781) the intendant in New Orleans had foreseen that the new American government, no less than the old British government, would threaten Spanish domination in the Mississippi valley, though only (he thought) in a far distant future.33 The Kaskaskia great-chief repeated nevertheless to the Chickasaw the assertion proclaimed in 1780 by Jean Saint-Germain, that Americans, French and Spanish had become as one. Some of James Colbert's men, like Jean-Bâtiste du Coigne, recognized the British cause as lost. One of them, Simon Burney, found that four chiefs of the Chickasaw had formed the same opinion. On June 9, 1782, Burney set out eastward from the Chickasaw nation bearing a letter, signed with four symbols, that represented a Chickasaw overture for the Virginian peace that Jean-Bâtiste had first suggested three years earlier. The Chickasaw Mingo, great-chief of the nation, signed his namesymbol first. The chief who signed last was Payahmingo, whose name Burney and all Americans wrote as Poymingo. The four chiefs asked peace in order, they said, "that we may think of nothing hereafter but our planting and hunting."34

From July 1 to October 21 Governor Miró in Natchez treated the Chickasaw situation and the affairs of Colbert. He decided in the course of time that Arkansas Post had little to fear. He heard that Delaware, Peoria and Kaskaskia had gone to visit the Chickasaw, but not that the Chickasaw Mingo had asked peace of Virginia. He learned with relief that the Chickasaw chiefs had refused to let any of their warriors join Colbert's band of twenty-nine whites and half-breeds in a proposed attack on the

³² Dubreuil to Mir´o, May 5, 1783, as cited, Legajo 2360. Cf. James Alton James, George Rogers Clark Papers, 1781-1784 (Springfield, 1926), 137.

³⁸ Martin Navarro to Josef de Gálvez, Sept. 10, 1781, Legajo 2317-1. Navarro wrote in part as follows: "What is to be feared is that the liberty that characterizes their constitution and that of their trade, and the superior numbers of their people, will drive out the few we have in those scantily settled posts . . . Invasion into the interior beyond the opposite bank of the Mississippi should be regarded at present as far distant, but the time will come when circumstances may oppose fewer deterrents."

34 James, George Rogers Clark Papers, 1781-1784, 73-75.

boats of Pourré, Vallé and Alvarez. Both by way of the Mississippi and by way of Mobile and the Tombigbee he sent letters to the Chickasaw Mingo. The influence of Colbert and other British traders was so great that the letters remained undelivered, although their existence became known to the great-chief. Colbert answered the letters that had gone northward from Mobile.35

The Chickasaw Mingo, whose name Simon Burney spelled as Poymautauhaw, was the aged Payah Matahah, he who as a war chief had gone thirty-three years earlier to raid the Arkansas Post of France and to carry Arkansas women and children into captivity.36 Colonel Miró waited in vain at Natchez hoping that Payah Matahah would accept his invitation to come make preliminary peace with him. Instead the great-chief sent his brother down the Tombigbee to talk with the commandant of Mobile.³⁷ In the winter Payah Matahah sent a kinsman, Ugulayacabé, to New Orleans by way of Mobile and another chief by way of Natchez to prepare for a formal Spanish treaty.³⁸ Meanwhile Poymingo at Nashborough (Nashville) was making a treaty of peace with the Virginian government.39

Official news of peace between the British on one side and on the other side the French, Spanish and Americans reached New Orleans on or before May 15, 1783, and St. Louis (by way of the Ohio) about one week later. 40 Yet unofficial news of peace came so early to the Chickasaw nation that Jean Saint-Germain brought it to Natchez on March 21.41 Payah Matahah and his Chickasaw knew as well as Jean-Bâtiste du Coigne and his Kaskaskia the value of a position taken with one foot in the camp of each opposing white party. While Poymingo treated with the Virginians for the peace that he and Payah Matahah had asked it was the duty of the great-chief to impress Chickasaw loyalty upon the minds of the Spaniards.

Payah Matahah had made by messenger his preliminary peace with Governor Miró, who accorded him a Spanish flag. The great-chief intended to go in person to Mobile to take part

 ³⁵ Miró to De Villars, Oct. 18, 1782, No. 176, Legajo 3; Grimarest to Gálvez, July 22, 1782, Legajo 1376; Grimarest to Miró, July 17, Dec. 6, 1782, second letter, Legajo 9.
 36 Louisiana Historical Quarterly, XXVI (1943), 684.
 37 Grimarest to Miró, Aug. 1, 1782, Legajo 9.

³⁸ Same to same, Dec. 6, 1782, first letter, Legajo 9; Piernas to Miró, Nov. 15, 1782, April 3, 1783, Legajo 9.

³º James, George Rogers Clark Papers, 1781-1784, 99-101, 123, 136, 171, 189-190, 223, 228.

⁴⁰ Cruzat to Miró, July 21, Aug. 17, 1783, Legajo 9.
41 Piernas to Miró, March 21, 1783, Legajo 9. Saint-Germain died May 8, 1786, killed in the forest by a falling tree: Grand-Pré to Miró, May 30, 1786, No. 73, Legajo 12.

in a congress called for the following year between the Spaniards and all the Choctaw-Chickasaw peoples. He had sent word to Lieutenant de Villars' successor at Arkansas Post and too presumptuously hoped that the new commandant would come to visit him in the spring of 1784 when the Chickasaw hunters went to their Bluffs on their customary hunt. The commandant let Anselme Villet go in his stead, and with trade goods, as an unofficial envoy. In a letter to Governor Miró of April 20, 1784, the commandant related the result of the embassy as follows:

The man called Anselmo Villet has come back, whom I let go with some goods to trade with the Chickasaw who were hunting on the banks of the Mississippi. He has given me the following news. Panimathea, great-chief of the nation aforesaid, had come to the Ecores a Margot thinking that I might already have received (as he put it) a reply from you and might have got permission to go visit him at that place. A few days after his arrival there a violent fever seized upon him, and he died of it. On the eve of his death he summoned Villet and said to him,

"Since the time when I gave my word to make peace with the Spaniards I have not broken it. I have directed all my labors toward counselling my young men to keep on good terms with that nation. I have convinced them that they could hope to get from no other nation the goods that they need. Already I have had the satisfaction of seeing subside little by little the enmity that my people used to hold toward the French and the Spaniards. I myself wish to die a Spaniard. I have ordered that when I am dead my people shall set my body upon the bank of the Mississippi with my Spanish flag, and with my body it shall be burned."42

And so, said the Arkansas commandant, it was done. The smoke that lifted like river fog above Payah Matahah's funeral pyre on the bank symbolized the obscurity in which the Chickasaw concealed from the Spaniards their own internal politics. Delay in installing a successor, Taskietoka, 43 as Chickasaw Mingo helped to make the Chickasaw delegation the last to arrive to take part in the congress at Mobile. There in June, 1784, the new great-chief denounced Poymingo and the Virginian treaty of Nashborough,44 but unlike the Choctaw he was loath to accord to his Spanish friends as much as he hoped to gain from them.

 ⁴³ Dubreuil to Miró, April 20, second annex to Bouligny to Miró, May 6, 1784, Legajo 10.
 The English translation somewhat varies the Spanish literary construction.
 43 Harangue of Taskietoka, King of the Chickasaw, Jan. 3, 1788, document 2 of copia 2 annexed to Florida Blanca to Miró, Dec. 25, 1790, Legajo 1425. The name is Tascahetoca in Delavillebeuvre to Carondelet, Oct. 12, 1792, Legajo 177.
 44 Harangue of Taskietoka.

Only the Chickasaw among all the tribes present made a reservation to the treaty that the Spaniards offered them. Article 3 of their agreement as effected provided that the Chickasaw should remain at peace with the Quapaw and with all other nations except the Kickapoo, with whom at the moment the Spaniards had a quarrel.⁴⁵ By reservation the Chickasaw extended the article's force. Echoing the words that Payah Matahah had sent to the Virginians, they said they wished thenceforth to use their weapons only in hunting. They refused to undertake any obligation to engage in any war for the sake of the Spaniards,⁴⁶

Eighteen months later Poymingo and the chiefs Mingo Tushke and Latapoia made a treaty with the United States at Hopewell plantation in the mountains of South Carolina, without the consent, even without the knowledge of the Chickasaw and Choctaw great-chiefs, or so the great-chiefs said. Again Taskietoka denounced a usurper of authority.47 If a few warriors of Taskietoka's Chickasaw faction joined the Cherokee and the Delaware in 1786 against Americans on Tennessee River, 48 Poymingo's influence in 1792 held the larger group from consenting to Governor Carondelet's plan of organized war against the Americans.49 The Spanish loyalty of Taskietoka and that of his successor, Halahtamathahaw,50 were never indeed put to the test, since Manuel Gayoso de Lemos, governor of Fort Panmure of Natchez, refused in 1794 to carry out orders from Carondelet for a Chickasaw raid against Fort Massac on the Ohio, and the Spanish ministry approved his refusal.⁵¹ Friendly now toward the Quapaw, toward the Spaniards and toward the Americans, cleverly and profitably set with one foot in each white man's camp and favored with Indian presents both from the Americans and from the Spaniards, the Chickasaw nation used their weapons for hunting and did not turn them against white men as long as the king of Spain ruled Louisiana.

Governor Miró in his Natchez headquarters convinced himself in the summer of 1782 that Arkansas Post, if it had little to

⁴⁵ Text of treaty, June 22-23, 1784, in carpeta beginning with Miró to Gálvez, July 10, 1785, Legajo 2360.

⁴⁶ Martín Navarro to Josef de Gálvez, July 27, 1784, No. 239, Legajo 2351.

⁴⁷ Harangue of Taskietoka.

⁴⁸ Cruzat to Miró, Aug. 7, 1786, No. 73, Legajo 12.

⁴⁹ Carondelet to Aranda, Nov. 13, 1792, No. 22, reservado, Legajo 177.

⁵⁰ Named thus in Gayoso to Carondelet, July 14, 1795, No. 13, reservado, Legajo 2364.

⁵¹ Alcudia to Gayoso, Jan. 24, 1795, Legajo 176-2.

fear from James Colbert, had nothing to fear from the Chickasaw nation. Acting on his order Lieutenant de Villars sent the riverman Lajeunesse to the Ilinueses to summon Captain Dubreuil, under whom De Villars should remain temporarily as second-incommand, and to order a supply of flour and cornmeal for the garrison.⁵² Miró sent a reinforcement of thirty-three men, from among those whom he had brought to Natchez, to take the place of militiamen whom De Villars had called out at an expense of \$138 for their ration allowance.⁵³ He learned that the carriages of the three serviceable pieces⁵⁴ among the four Arkansas cannon had all rotted away in the time of Leyba and Orieta and that Captain de Villiers had carried the artillery up to his new post but had not opened useless gunports in his new stockade.

Miró sent four naval carriages from Natchez, for which he made a charge against the Arkansas account in the intendant's office.55 He sent Sub-lieutenant Antonio Soler, the former artillery sergeant, to cut gunports, to mount the artillery and to train the reinforced garrison in gunfire. Quapaw chiefs visiting New Orleans in early spring had complained that the Arkansas interpreter had embezzled part of the government present forwarded for them in the previous year. Now from Natchez Miró sent a new interpreter, Jean-Baptiste Saucier, to take the place of the other and promised to add a cask of rum to the Quapaw present for the current season.56

The governor knew that the continuing drought had completely ruined Arkansas crops for the year and that famine was forcing Quapaw warriors to go hunting edible roots in the forests and prairies in order to feed themselves and their families.⁵⁷ He knew and perhaps remembered that the chief of the Uzutiuhi village, some ten miles below Fort Carlos III, was a child and that Angaska, the great-chief, now well disposed toward the Spanish government, lived there and ruled also as village chief. He knew that the Kappa village of Chief Caiguaioataniga just above the post and the Torimans village of Chief Tangiguideska just beyond were less well disposed in times of hunger than was

 ⁵² Cruzat to Miró, Sept. 17, Nov. 18, 1782, Legajo 9.
 ⁵³ Martín Navarro to Miró, Oct. 11, 1783, second letter, Legajo 84.
 ⁵⁴ Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360.
 ⁵⁵ Martín Navarro to Miró, Oct. 11, 1783, first letter, Legajo 84.
 ⁵⁶ Miró to De Villiers, May 22, No. 106, same to De Villars, July 9 to Oct. 21, 1782,

Legajo 3.

57 Cf. Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360. Cf. Cruzat to Miró, Sept. 17, 1782, Legajo 9; Josef de Gálvez to the intendant, March 20, 1784, No. 144, Legajo 2317-1.

Angaska.⁵⁸ He knew that because of low water in Arkansas River all the hunters were absent from the upland village⁵⁹ half a mile back from the river and that in any case they would be absent in the winter. He wished indeed to abandon Arkansas Post⁶⁰ whenever peace with the Chickasaw should permit the establishment of a new post on the high left bank of the Mississippi, whether at Chickasaw Bluffs or at Walnut Hills.

Captain Dubreuil from the Ilinueses reached the despised post on January 5, 1783. Two days later he finished his paper work with Lieutenant de Villars and took over command of Fort Carlos III. Immediately there came to him news that a band of twenty-five men at Chickasaw Bluffs had attacked without success the boat in which a militia lieutenant of St. Louis was coming down the Mississippi. The Arkansas hunter named Boyé came in with news that an atack upon the post was indeed to be feared. Governor Miró had written to warn Dubreuil against unauthorized expenditures, but before this caution reached the Arkansas the new commandant added a bastion at one front angle of his He built a small powder magazine and even prestockade.61 sumed to order repairs made to the commandant's house within the enclosure, which Lieutenant and Madame de Villars surrendered to him.62 The second-in-command and his wife removed themselves to a lodge of Indian style, also within the enclosure. They took with them their two servants, whom perhaps they had bought from the bankrupt and sequestrated estate of Captain de Villiers, the Negro man Jacques and a colored cook, Madelaine. 63 A storm destroyed their shelter on April 12, and the entire household went to live in a dwelling on the habitant coast⁶⁴ half a mile distant down the river bank.

Heavy northern snows melting early in the time of heavy early rains raised the Mississippi in that April almost as high as ordinarily the great river rose in June. The Arkansas, coming from the west, was low, and backwater from the great river made the last fifty miles of its course to be a stagnant lake. Up

<sup>Dubreuil to Miró, Aug. 7, 1786, No. 36, Legajo 13.
Same to same, May 5, 1783, as cited, Legajo 2360.
Miró to Gálvez, June 5, 1782, as cited, AdeSD, 87-3-10.
Miró to Dubreuil, Feb. 5, 1783, Nos. 134, 135, Legajo 3. Miró to Gálvez, Aug. 1, 1783, No. 95, Legajo 2, took credit for ordering this bastion, which Miró thought was a</sup> parapet.

**Bartin Navarro to Miró, Oct. 11, 1783, first letter, Legajo 84.

**Bartin Navarro to Miró, Oct. 11, 1783, first letter, Legajo 84.

**Bartin Navarro to Miró, Oct. 11, 1783, first letter, Legajo 84.

**Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360.

the still water in early evening of April 16 Chickasaw Indians paddled a pirogue. If the great-chief Angaska in the Uzutiuhi village recognized these men as James Colbert's nephews, at least they calmed his mind by telling him that they were coming with a dozen Americans to shake hands with Captain Dubreuil on the morrow. It would be only suitable that visitors so well supplied with rum from Wolf River should make a small present to the Quapaw great-chief. Angaska decided he would wait until next day to tell Captain Dubreuil that visitors were to be expected. At midnight came the bateau of Lafont, a gunboat complete now except for artillery, its gunwales built high as protection against musketry, its forty oars muffled with leather. A keelboat with muffled oars and two or three silent pirogues followed the gunboat.

The chief of the Uzutiuhi was a child. The great-chief Angaska lay drunk.⁶⁵ There was none in the Uzutiuhi village who might order a messenger to warn the post. Up the still water sped the squadron of James Colbert. One hundred white men and fourteen redskins and mixed bloods landed upon the riverbank at Red Bluff, a short league below the habitant fields, intent on avenging Jean Blommart, the prisoner of New Orleans.

At half-past 2 o'clock in the morning of the seventeenth the first shot of James Colbert's attack broke the lock on the door behind which Lieutenant de Villars and his wife and servants slept without suspicion. The family De Villars and the six principal habitant households became prisoners to Colbert. Four habitant families escaped to the woods. The women and children of the hunting village fled to the fort upon the sound of the first shots. Sergeant Alexo Pastor and his patrol of one corporal and eight privates hastened to the habitant coast. There before the fire of Colbert's men two Spanish soldiers dropped dead; another and a Negro from one of the habitant households were wounded. Only Sergeant Pastor shook himself free from the clutches of three Britons and escaped to Captain Dubreuil's stockade, into which he entered by way of a gunport.

Now Captain Dubreuil knew what had happened. He sent Saucier the interpreter to raise the Kappa village, but the sullen chief Caiguaioataniga refused to take part in a white man's war without orders from Angaska.⁶⁶ While one band of Colbert's

86 Ibid.

⁶⁵ Dubreuil to Miró, Aug. 7, 1786, No. 36, Legajo 13.

white men emptied the pockets of their prisoners and another group packed into parcels all portable goods in the habitant houses, James Colbert himself turned to an attack on Fort Carlos III. Lacking artillery in his gunboat he substituted fire from British carbines and also a diplomatic message.

The rotten oak pickets of the stockade stood firmly enough to guard against bullets from short rifle barrels. Even before diplomacy had approached from one side under a flag of truce Dubreuil had sent out Sergeant Pastor on the other side with a few Spanish soldiers and four Quapaw who happened to be present. The fort's only answer to carbines and to message Captain Dubreuil made by cannon fire. His supply of powder sufficed for a total of 300 discharges from three almost useless 4-pounder guns, but the beseigers had sheltered themselves in a gulley. Those shots directed down the riverbank and over the habitant houses warned the British not to return to the coast to remove their parcels of loot.

At 9 o'clock the Battle of Arkansas Post reached its end. Colbert began a retreat, frightened away by the warwhoops of Sergeant Pastor's four Quapaw braves. The sergeant and the whoops followed the retreat to Red Bluff. There a Quapaw hatchet flew from the woods and buried itself in the earth among fearful white men. Colbert hurriedly released all the children and all of the women except Madame de Villars. One woman from the village, Marie Baptiste, remained with the British willingly and kept with her her half-grown daughter. At noon James Colbert embarked with all his force and his remaining hostages, including Lieutenant and Madame de Villars and their Madelaine and Jacques and one other Negro. Back to Captain Dubreuil he sent threats of a return with artillery.

At 2 o'clock Fort Carlos III saw the coming of Angaska, full now of contrition and regret and ready to lead an expedition of all his Quapaw warriors to rescue the captives. Three leagues above White River's mouth Angaska's pirogues overtook Colbert's boats, and there the white leader consented to release most of his prisoners. As in the case of Madame Cruzat at Wolf River he exacted first from Lieutenant de Villars a promissory note in payment of a ransom of \$2,000.68 He retained the Negroes

68 Piernas to Miró, May 8, 1783, Legajo 9.

⁶⁷ Miró to Favrot, Oct. 3, first letter, Nov. 6, 1786, Legajo 4; Favrot to Miró, Oct. 18, No. 48, Nov. 28, 1786, No. 57, Legajo 12.

as security for the note and, as hostages for the release of Jean Blommart, four soldiers and a habitant boy. 69

James Colbert did not keep his promise to come back. Official news reach him to confirm the news of war's end that had passed through the Chickasaw nation long before he began his voyage to the Arkansas. He set his white prisoners free. At the turn of the year he was killed by a fall from his horse. 70

Colbert's labor against the Spaniards in 1782 and 1783 and those of the Natchez traders and hunters who made common cause with him brought benefits to some of the Spanish officers against whom Colbert had acted. By royal orders of December 10 and 11, 1785, Colonel Miró, still acting-governor with a colonel's annual salary of \$3,000, became governor proprietario at \$4,000 a year, and Pedro Piernas succeeded him as colonel to command the Regiment of Louisiana.71 As reward for the defence of Arkansas Post the king gave to Captain Dubreuil the honorary rank of lieutenant-colonel. Sergeant Pastor, after twenty years of service as an enlisted man,72 received a commission as sub-lieutenant. A corporal, two lance corporals and five privates gained citations and an increase in their ration allowance.73

Only Lieutenant de Villars failed of promotion. It was not his fault that a windstorm, destroying his hut within the Arkansas stockade, had driven him and his wife to a habitant house and to captivity. Yet instead of returning to the Ilinueses he went down to New Orleans in September on orders of Governor Miró.74 The governor assured him he need not pay the note of \$2,000 that he had given to Colbert under duress; the intendant approved his accounts for extraordinary expenses in the few months of his command.75 It may be that everyone treated him with kindness, but Lieutenant de Villars could not help seeing that bad luck at Arkansas Post had ruined his career. His father-inlaw, François Vallé, died late in 1783;76 there was some property that Marie-Louise perhaps shared with her brothers Charles

 ⁶⁹ Except as otherwise noted the narrative of Colbert's attack is based on Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360.
 70 Miró to Gálvez, Aug. 1, 1783, No. 95, Legajo 2; Caughey, Bernardo de Gálvez, 241.
 71 Miró to Gálvez, Aug. 1, 1783, No. 95, Legajo 2; Miró to Rousseau, Nov. 8, 1785, and enclosure (a circular addressed to post commandants), Legajo 3.
 72 Miró to Gálvez, May 18, 1783, Legajo 2360.
 73 Gálvez to Espeleta, Jan. 22, 1784, Legajo 1418.
 74 Miró to Dubreuil, May 18, 1783, No. 130, Legajo 3; Collell to Miró, Sept. 13, 1783, Legajo 9.

Legajo 9.

75 Miró to Dubreuil, May 18, 1783, No. 130, Legajo 3; Martín Navarro to Miró, Nov. 6, 1783, second letter, Legajo 84.

76 Cruzat to Miró, Nov. 13, 1783, Legajo 9.

and Jean-Baptiste of Ste. Genevieve. Lieutenant de Villars asked in 1786 to be retired from the army on half-pay, and by royal order of August 24, 1787, the king granted his request.⁷⁷ The Têche became his home.

Lieutenant de Villars made one request that proved to be difficult of fulfillment. He asked Governor Miró to regain for him his Negro man Jacques and his colored cook Madelaine. whom James Colbert had carried away from the Arkansas. He was willing to pay whatever charge some trader might make for conducting the Negroes from the Chickasaw nation to Mobile. By terms of the Spanish-British treaty that the king of Spain had sealed in January, 1783, all prisoners must be returned. The Chickasaw treaty of Mobile, made in June, 1784, contained a similar provision. But the Spanish commandant of Mobile learned that the eldest half-breed son of James Colbert viewed the Arkansas matter in a different way. Jacques and Madelaine were property; Colbert's heirs were holding them as security collateral to a \$2,000 promissory note that Luis de Villars had signed three leagues above White River's mouth. The lieutenant received this information, declined to make so great a payment even for his own servants and withdrew the request he had made to the governor.78

Now may be seen to what complexity the servant problem had swollen in Mobile as early as 1786. The officer who commanded that post considered how well Madelaine the cook would complete his own household if she might be brought down Tombigbee River. To Governor Miró he wrote on that subject a letter of so personal a nature that he did not attach to it a serial number such as each of his official letters bore. He wrote as follows: "Since Don Luis Villars had withdrawn his claim to the Negroes whom he was seeking and who are with Colbert's sons, I ask that you grant me the favor of telling me whether I may buy the one who is a cook, since without your permission I shall undertake the purchase."79 The governor's reply, if he made one to an officer who already had tried his patience, was of too personal a nature to be preserved in copy among his official papers.

 ⁷⁷ Inspection of the Regiment, annexed to Miró to Gálvez, June 28, 1786, No. 298, Legajo 6; Espeleta to Valdés, Dec. 7, 1787, Legajo 1418.
 ⁷⁸ Miró to Favrot, Sept. 1, 1785 (in carpeta beginning with Miró to O'Neill, Jan. 4, 1785), July 6, 1786, Legajo 4.

⁷⁹ Favrot to Miró, Aug. 21, 1786, Legajo 12.

CHAPTER V

DEMON RUM AND DEMON RIVER

Captain de Villiers in 1779 removed Fort Carlos III from the river mouth to a site adjoining the hunting village that during years past had stood on the upland peninsula where the village stands today. About ten miles down the river the Uzutiuhi tribe among whom lived the great-chief Angaska tilled their hereditary fields on the right bank south of Lake Dumond. From the west the river approached the village peninsula in a course somewhat farther south than the present course. A left bend that since has fluctuated without developing a cutoff carried it northward along the eastward side of the peninsula and thence eastward and southward to continue in bends to the forks. About half a mile below the post and therefore in a direction perhaps departing little from north the ten habitant families domiciled on the river bank cultivated fields that ran westward to end within a few hundred yards of the French village. South of the river, perhaps south or west of the village, rose the lodges of the Kappa tribe. The Torimans tribe maintained its separate village nearby.1

In the time of the French and in the years when the Spanish fort stood and swam at the river's mouth the hunting village was not held to be a part of the Arkansas community. When the fort and the habitants removed themselves to within shouting distance of the upland the villagers could no longer be ignored. The ten habitants of the coast were traders, but an increasing number of traders who cultivated no fields came to the Arkansas, some of them to live there twelve months out of the year. The coast of the habitants became a rural suburb, but was still called "the post." Some newcomers built houses for themselves near the hunters' cabins. The village, as it was known in distinction from the post, took on the appearance of other villages of the Mississippi Valley. No eighteenth-century visitor, it seems, found in it anything worthy of comment or description. Before one habitant house, at least, a gallery projected. Behind the stout shutters of window holes some windows may have gleamed, since

¹ Relative positions are inferred from passages in post correspondence and documents to be cited and also from John Halley, Journal, 1789 and 1791, typed copy of MS., Durrett Collection, University of Chicago; John Pope, A Tour through the Southern and Western Territories of the United States. . . (New York, 1888, reprinted from edition of Richmond, 1792), 26; Victor Collot, Voyage dans l'Amérique Septentrionale (2 v.; Paris, 1826), II, 45, 52-53; François Perrin du Lac, Voyage dans les deux Louisianes (Paris, 1805), 367-368. All these published texts are inaccurate; Pope's information of Arkansas is secondary.

panes of glass six and eight inches square might be had in New Orleans at only six cents apiece.2

Native sons and grandsons of some early residents inherited the various characters of their forefathers. In 1749 Lajeunesse was a habitant. Pertuy was a voyageur bourgeois employing five engagés. Boyé was the employer of one. Another bourgeois employed Dauteuil as an engagé.3 In 1768 the Arkansas admired Lajeunesse (or perhaps even at that early date his son) as its most competent riverman.4 In the time of Captain Joseph Vallière who succeeded Dubreuil in March, 1787, Louis Pertuy was a solid citizen who held the commandant's full confidence.5 The name Boyé was borne then by some of those less distinguished hunters among whom Charles Dauteuil numbered himself. François Sarrazin, the interpreter of the 1750's, left his name as a nineteenth-century heritage to a half-breed chief of the Quapaw. That chief's people included mixed-bloods who called themselves Baptiste Saucier and Joseph Vallière.8

François Menard, a newcomer perhaps from the Illinois, and Anselme Villet, his Arkansas father-in-law; Juan Gonzales and Ignacio Contrera, soldiers of the garrison who preferred to become hunters or traders rather than reenlist for another 8-year hitch; Martín Serrano, another discharged veteran, who married an Arkansas widow; Andrés López, an enterprising Spaniard from Galicia; Jean-Baptiste Imbaut, Jr., a native of the Arkansas; Joseph Tesié, perhaps from Vincennes, since he could speak the Delaware language; the hunting partners Tomás Serrano and Mateo Serra; Pierre Nitard and Pierre Picard; Jean-Baptiste Cucharin and Michael Woolf; Joseph Baugy and his friends Pierre Ragaut and Pierre Lefebre; Henry Randall and Robert Gibson; Bayonne, Duchassin, Michel Bonne, William Nolan and Baptiste Macon: Spaniards of Spain, French of Canada and even of France, Americans of Natchez and of Vincennes, Germans from the German Coast or from the Regiment of Waldeck, all formed the Arkansas community of which Governor Miró was careful to speak in 1786 as composed not only of habitants but of residents (vecinos).9

² Tarifas de 10 de Mayo de 1782, ANH, Cédulas y Ordenes, v. 286.

³ Resancement Général, 1749, Loudon Papers (Huntington Library, San Marino, California; photostats, Illinois Historical Survey,) No. 200.

⁴ Piernas to Ulloa, Oct. 14, 1768, Legajo 2357.

⁵ Vallière to Miró, March 30, 1788, No. 92, Legajo 14.

⁶ Miró to Dubreuil, Feb. 5, 1783, No. 134, Legajo 3.

⁷ Miró to Delino, Aug. 29, 1791, second letter, Legajo 8.

⁸ Compilation of all the Treaties between the United States and the Indian Tribes now in Force (Washington, 1873), 719-720.

⁹ Miró, Instrucciones que deberá observar . . . , Don Josef Valier, Jan. 1, 1786, Legajo 2360.

The community maintained social distinctions in theory rather than in practice. A bourgeois appeared usually and an engagé always as el nombrado Villet or as le nommé Boyé in the commandant's official thoughts; a habitant, a well-established trader or the interpreter received mention in reports by surname or by both surname and baptismal name. Captain Dubreuil ventured in 1787 to speak with respect of the prosperous François Menard as Don Francisco, 10 but only the commandant and his family were of the gentry. Yet the commandant's house within the fort stood open to social visits from the common people. 11 Captain Dubreuil had his Inés and his two small children to keep him company.¹² Captain Vallière brought with him his wife and one son.13

Visitors did not lack good cheer in the commandant's house. American traders stopping in the village one day in 1789 were summoned early in the morning by Captain Vallière, for whom they carried a gift of Kentucky bacon. Madame Vallière, having gone down to New Orleans, was not present to receive them. Servants in the commandant's house set before them at half-past 7 only a French breakfast, a café complet, but with the bread came butter, which New Orleans reserved for cooking. New Orleans dined at 3 o'clock and Natchez at 2, but Captain Vallière invited his guests to come back to dinner at half-past 12. He gave them a hare and venison in the form of a roast, two different kinds of stew and also steaks fried in the skillet, with wine-andwater to drink. After the table was cleared, cheese and butter came on as dessert, with more wine. The captain's parting gift to them was sugar, coffee and fifteen gallons of whiskey.14

The Ohio and the upper Mississippi knew cider royal, more potent than applejack, but not yet in the eighteenth century had Kentucky distilled nectar from Indian corn. The distillate of rye, when Joseph Calvert brought eleven barrels of it to Natchez in 1786, was a drink so strange to the lower Mississippi that Lieutenant-Colonel de Grand-Pré, the Natchez commandant, thought it should be plainly described as "huysque or rye spirits."15 New Orleans drank red wine and white wine of Bordeaux

¹⁰ First declaration annexed to Miró to Lerena, Aug. 10, 1791, AdeSD, 86-6-21.
11 Of. Vallière to Miró, May 1, 1788, No. 105, Legajo 14.
12 Dubreuil to Miró, April 23, 1786, no serial number, Legajo 12.
13 Vallière to Miró, March 30, 1788, no serial number, Legajo 14.
14 Halley, Journal.
15 Grand-Pré to Miró, June 26, 1786, No. 95, Legajo 12. Cf. James, Life of George Rogers Clark, 359. The succession of Natchez commandants was as follows: 1782, Martin Palao, Charles de Grand-Pré, Pedro Piernas; 1783, Piernas, Francisco Collell, Felipe Treviño; 1784, Treviño; 1785, Treviño, François de Bouligny; 1786, Bouligny, Grand-Pré; 1787, Grand-Pré, continuing as commandant under Manuel Gayoso de Lemos, governor of Fort Panmure.

and of Provence and also French brandy of two qualities. Rivermen and the Indians drank rum made from the molasses of Martinique and Cuba. Spaniards called this rum tafia or simply aguardiente (firewater). French traders called it eau-de-vie (water of life). Some Americans called it taffy.

Brandy, called likewise aguardiente and eau-de-vie, came to Louisiana from Bordeaux and from Provence in half-kegs each of four French pots (two American gallons in all) and sold itself at a fixed price of \$1.00 (one peso) and 75 cents (six reales) a gallon respectively. Tafia entered the colony in barrels (barriles) of forty or casks (barricas) of 100 pots each and sold at 50 cents (four reales) a gallon. 16 When Governor O'Reilly sought in 1769 to find some means of supporting the city government of New Orleans he learned that Louisiana consumed every year at least 1,500 casks of distilled spirits of all kinds, and for the city's benefit he assessed a tax of \$1.00 on each cask.¹⁷ When the French government in 1785 prohibited trade with the French West Indies except in French ships the king of Spain retaliated with a royal order of March 20, 1786,18 which forbade Louisiana and the Floridas to accept imports of sugar, rum (aguardiente de caña), molasses or coffee from colonies not of the Spanish empire. But Cuba and Puerto Rico could provide Louisiana with the substance, molasses, from which Peter Gadober already had received permission to distill in New Orleans that same "tafia or rum" on condition that he should pay the city an excise equivalent to the lost import duty.19

British commandants of the Illinois, Spanish commandants of St. Louis and, at Natchitoches, both Captain de Villiers and Lieutenant-Colonel de Mézières²⁰ struggled with the problem of how to prevent traders from selling rum to Indians. Governors Ulloa, O'Reilly and Unzaga by controlling trade through the issuance of passports and licenses in New Orleans increased the difficulty to be met by commandants in restraining improper trade practices of all kinds. On this point Captain de Villiers com-

¹⁶ Tarifas de 10 de Mayo de 1782, ANH, Cédulas y Ordenes, v. 286; proposals of Maxent and Ranson, May 1, 1771, Legajo 274. Of. Relación de las Mercancias, Aguardiente, Polbora, Balas. . . , Nov. 27, in carpeta beginning with Cruzat to Oro, April 25, 1787, Legajo 2361 (translated in Houck, Spanish Régime, I, 268); Alvord, Kaskaskia Records, 5. 20, 194. The French pot equalled 1.97 liquid quarts USA.

¹⁷ O'Reilly to Bucareli, Dec. 10, 1769, No. 19, AdeSD, 80-1-9.

¹⁸ In carpeta beginning with Miró to Gálvez, Feb. 7, 1786, Legajo 2360.

¹⁹ Josef de Gálvez to Martín Navarro, Feb. 4, 1785, No. 200, Legajo 2317-1.

²⁰ De Villiers to Ripperdá, Sept. 13, 1772, annexed to Ripperdá to Bucarelí, Aug. 8, 1773, AGM, Provincias Internas, v. 100, expediente 1; De Mézières, order to De Quindre, annexed to De Mézières to Ripperdá, July 9, 1774, ibid., v. 99, expediente 1.

plained soon after his arrival at Arkansas Post. He adduced the case of Andrés López, who had traded on the Arkansas since the spring of 1773.²¹ The license granted to López, at request of his financial partner, Marcos Olivares of New Orleans, had permitted him to trade in the Arkansas hunting camps and thus to gain an advantage over competitors not licensed to venture dans la rivière. Governor Gálvez conceded then that the Arkansas commandant should let only men of proved character pass beyond the post.²²

At different times and for different reasons all trade was confined to the post. At one such time, in March, 1786, Andrés López presented to the commandant a license from Governor Miró granting him the special privilege of going dentro el río not to trade but to meet the returning hunters and to collect from them old debts owing to his partnership. The other traders, likewise creditors of the hunters, protested to the commandant, who had therefore no choice but to cancel the governor's license. A voice had spoken on the Arkansas more loudly than the voice of Esteban Miró, the acting governor. It was the voice of custom. which the king of Spain had promised the king of France should have the force of law in Louisiana. Bernardo de Gálvez moreover, now viceroy of Mexico and officially also captain-general of Havana, but still governor proprietario of Louisiana, had decreed in the time of Captain de Villiers that all good men should enjoy equal rights on the Arkansas.23

Tribes living to the westward of Louisiana received no ardent spirits in the annual presents that the governor of Texas sent them, but Spanish Louisiana continued the old French custom of befuddling the Indians. With perhaps some degree of exaggeration Governor Miró commented in 1782 that liquor formed the greater part of the presents he distributed on behalf of his king among the loyal nations.²⁴ For gifts and for purposes of trade, rum gurgled out of its import casks and into kegs (barrilitos) each holding eight pots (four American gallons) and bearing each a stated value of three dollars. Of this

²⁴ Miró to Delassize, April 3, 1782, Legajo 3. The word "liquor" is used in the text to translate the Spanish words bebida and licor or liquor.

²¹ Olivares to Mir´o, June 22, 1785, annexed to Dubreuil to Mir´o, March 20, 1786, No. 26, Legajo 12.

²² Gálvez to De Villiers, March 6, second letter, April 11, June 6, 1777, Legajo 1.
²³ Dubreuil to Miró, March 20, 1786, No. 26, Legajo 12. Cf. Gálvez to De Villiers, March 6, second letter, June 6, Aug. 11, 1777, Legajo 1. At the date of Dubreuil's letter advice of Miró's appointment as governor propietario had not yet reached New Orleans.

amount two dollars (pesos) represented the value of the liquor; one dollar was the cost of the keg,25 which served in turn to carry back from the posts and to New Orleans the manteca resulting from the winter's hunt. Boatmen served themselves not from kegs or from casks but from barrels of forty pots each. Captain Dubreuil on his first trip, that of 1781, to St. Louis set aside in his inexperience only half the normal supply of tafia for his patron and sixteen oarsmen. His barrels ran dry not far above the Arkansas, and he had to dip into his cargo to increase the ration to a total of 120 gallons or more for the voyage of about ten weeks.26

Governor Miró to the end of his incumbency continued the policy of including 4-gallon kegs of rum among annual presents given to the tribes on the branches of Mobile River and to those grouped above Pensacola. He distributed many such kegs at the congress of Mobile in 1784,27 but strictly controlled the eastern liquor trade. Orders that he issued in that same year for Spanish traders among the Creek, Alibamu, Chickasaw and Choctaw nations contained in paragraph 5 the following provision: "It is forbidden to traders in general to provide the Indian tribes with rum or other kinds of liquor, under pain of losing the right to return to trade in the future, since even in the customary small quantities this trade may be carried on only under special license from the government."28

Trade in liquor unrestrained on Arkansas River made drunkenness widespread among the Quapaw. The chiefs of the three villages saw that liquor was robbing their people of what little profit civilization had brought them. When Angaska of the Uzutiuhi, Caiguaioataniga of the Kappa and Tangiguidesca of the Torimans left the post on August 8, 1786, to visit New Orleans they proposed to beg of Governor Miró, among other benefits, that he should prohibit all introduction of strong drink into the Arkansas district, and they carried with them Captain Dubreuil's approval of their petition.29 Yet the governor considered rather the immediate welfare of trade and omitted to grant the Quapaw their request.

²⁵ Proposals of Maxent and Ranson, May 1, 1771, Legajo 274.

²⁶ Dubreuil to Piernas, dated only 1781, Legajo 9.

²⁷ Various documents concerning the congress, all dated July 24, 1784, Legajo 271.

²⁸ The orders are undated but are found among Miró's letters of 1784 directed to Treviño, Legajo 2360. Miró's clumsy grammatical construction is revised in translation.

²⁹ Dubreuil to Miró, Aug. 7, 1786, No. 36, Legajo 13.

Captain Vallière experienced early in 1787 the results of the governor's policy. Within the first three months of his command five Quapaw died in drunken brawls. The minor chief Joseph Ciguide of the Uzutiuhi, paying a visit to the Kappa village, was murdered and his mutilated body thrown into the river by his hosts. "Rum is the cause of it all," wrote Captain Vallière to his governor in June. "It would be of great benefit to this tribe if you would not permit anyone to bring rum up to this post, because this tribe does not wish to trade only for rum, and these Indians are all destitute." 30

At the same time the commandant reported on an allied matter so important that it deserved a separate dispatch. Sublieutenant Ventura Orueta, whose duty it was in that year as it had been in the preceding year to carry government shipments up to the Arkansas,31 seized opportunity on his trip of 1787 to sell rum to the Quapaw. This unseemly conduct on the part of a commissioned officer moved Governor Miró to an act that the plea of the Quapaw chiefs had not won from him. On July 19 the governor wrote to Vallière as follows: "To cut at the root abuses so dangerous to the security of the province, you will forbid, by a proclamation that you will make of my order, all trade in liquor with the Indians, not permitting for any reason or under any pretext that any liquor shall be introduced, since you will be answerable for the consequences that may result from permitting it."32 So on October 17 Captain Vallière published at Fort Carlos III the governor's order "that no person may trade any kind of liquor to any Indian of any tribe, under penalty of having his liquor confiscated and his person detained pending the decision of [the governor.]"33

During seven months this prohibition ordinance guarded the interests of Indians and irritated the traders, if not all the farmers, of the Arkansas. François Menard presumed upon his position as the most prominent of resident merchants and brought upon himself the wrath of four habitants. These men made affidavit at the end of April that Menard was leading the Quapaw into dissatisfaction with Spanish rule by telling them that powder, shot and trade-goods from Spain were worthless. Two

³⁰ Vallière to Miró, June 25, 1787, No. 75, Legajo 13.

³¹ Of. Miré to Dubreuil, Jan. 25, 1786, Legajo 4.

³² Miró to Vallière, July 19, 1787, Legajo 4.

³⁸ Vallière to Miró, Dec. 31, 1787, no serial number, Legajo 13.

weeks later Joseph Tesié came in from trade with Delaware Indians on the St. Francis and made another affidavit. In view of the October proclamation the substance of this latter document may be inferred from the action taken upon it by Captain Vallière. François Menard was arrested and his household evicted. The royal seal of the king went upon the doors and shutters of his house. The Arkansas garrison possessed no hoosegow (juzgado), but it did possess a set of stocks, and into the stocks went François Menard with a military guard set over him until chance should arrive for shipping the prisoner to New Orleans.³⁴

Menard had become a trader of more than local prominence. Commercial influence rescued him in New Orleans from severe punishment and restored him within a stort time to his former erect position in the Arkansas community. Thought of François Menard sitting in the stocks did not meanwhile teach discretion to an equally long-established merchant, Andrés López. Within one month of Menard's misfortune the Gallegan also tempted fate in his house on the habitant coast, where between trading seasons he lived the life of a 45-year-old bachelor, cultivated (or so he pretended) his fields and sold strong drink to all white persons who would come to buy of him. In June it was the Choctaw who came to buy.

On June 6, 1788, nine men of the Choctaw, perhaps from Yazoo River, appeared at Arkansas Post on a journey to see the world after the end of their hunting and trading season. At midnight some of them went to the house of López to buy a bottle of rum, which López sold them in order, as he protested next day, to keep them quiet. Half an hour later the purchasers came back for more rum. fused to sell them more, and one thirsty redskin hit him over the head with the empty bottle. López shouted to his neighbors The Choctaw shouted for their own companions.35 for help. Eight weeks later López, a prisoner in New Orleans, had perfected a story of his night's adventure somewhat different from the story that Captain Vallière drew from his own current observation and from the mouths of López and other Arkansas residents within a few hours of the fact. Andrés López, perhaps

³⁴ Vallière to Miró, May 1, May 16, 1788, Legajo 14.

³⁵ Vallière to Miró, July 10, 1788, Legajo 14.

the only Spanish creator of eighteenth-century Arkansas fiction, told his tale under oath to Governor Miró as follows:

At 5 o'clock in the afternoon I was in my house making a chair when there came five or six Indians singing and dancing and asking for rum, and to free myself from their importunities I gave them a bottle. Between 9 and 10 at night, after being sound asleep, I was aroused by two white men who came for rum and whose insistence got them a bottle. At this moment came three Indians making the same demand. Seeing that I would not consent they threw the bottle at my head, and I warded off the blow with my arm. In view of what had happened and in order to avoid dispute I locked myself up in my house, but the number of Indians increased and with big stakes they began to smash and break down my doors and windows.

Under these circumstances, seeing my life in such imminent danger, I went out by the door that opens on the back yard and waited at a distance to observe the movements of the Indians. But seeing that they had succeeded in entering my house I decided to run to the fort in search of help. So I went up to Sergeant Valentín Rincón and told him what had happened, but he did nothing but shout, "Come on, boys, turn out! Turn out, boys!" Seeing at the end of a quarter of an hour that he was not going to give me any help I went back to my house, to the same door, and found a great riot between the Indians and various creoles of the post, who were in the back yard and had been attracted by the blows and by the noise made when my house was broken into by those others, who were fighting with stakes that they had pulled out of my garden fence. When I tried to intervene and to stop them I got two terrible blows, one on the head and the other on the left arm. Then, being tired and with various injuries to both parties, they went away. . . .

Two weeks later, more or less, between eight and ten in the morning, standing on my gallery I heard a gunshot, and at the same moment I saw a boy running and crying that the Indians had killed his friend Pierre. On hearing this all the populace ran out armed with clubs and firearms to go after them, but they could not catch up with them. Only a little while later I saw the dead boy carried to the fort by his step-father, Martín Serrano, a soldier of that detachment married to Madame La Rose.³⁶

The Choctaw murdered young Pierre La Rose because one of their party, injured in the brawl, had died in the Kappa

³⁶ Declaration of Andrés López, New Orleans, July 31, 1788, annexed to *ibid*. The indirect discourse of the testimony is made direct in translation. The name Kappa (Quapaw) in a passage not quoted above is recorded in Spanish phonology as Pagd, equivalent to the pronunciation Pacaha recorded more than two centuries earlier by a companion of Hernando de Soto.

village. Although the congress of Mobile had provided for treatment of such cases the eight surviving Choctaw were far from home and therefore in accordance with Indian tradition took a life for a life before they fled into the woods. Thus Andrés López and his illicit sale of a bottle of rum created a situation the like of which Louisiana never had known within the experience of Governor Miró. The situation was the more delicate since the Choctaw murderers were unknown fugitives and could not be brought to justice.³⁷

The Arkansas community had not yet made full payment for the offense of one of its traders. Early in September of the same year Robert Gibson, a hunter from Natchez resident with his wife and children in the Arkansas village, was returning to the post out of season when five leagues up the river two Quapaw hunters made upon him an unprovoked attack and killed him. The immunity that the Choctaw had won for themselves by flight could not be accorded to Quapaw murderers. Captain Vallière summoned the chiefs of the three villages, who identified the two guilty Indians. The commandant suspended judgment until he might have orders from New Orleans. "Such an attack," wrote Governor Miró, "cannot be endured, and it is absolutely necessary that the Quapaw choose immediately one of the aggressors and that in the presence of your garrison they put him to death in satisfaction for this killing." On April 28 the Quapaw chiefs carried out the governor's order on the esplanade of the fort.38

The murder of Pierre La Rose did not disgust his mother and her second husband, Private Martín Serrano, with life on Arkansas River. When Serrano received his military discharge he decided to stay on. He bought the fields of an habitant. In order that he might be assured of clear title to his land he applied to Governor Miró for confirmation of his new ownership.

Under the French government of Louisiana land grants had been made by the governor and ordonnateur (intendant) acting together.³⁹ A Spanish royal order of August 24, 1770, imposed such duties definitely upon the governor, and upon the governorship the duty lay until a royal order of October 22, 1798, trans-

²⁷ Miró to Espeleta, Aug. 16, 1788, Legajo 1394.

²⁸ Vallière to Miró, Dec. 22, 1788, No. 121, second letter, Legajo 14; Miró to Vallière, Jan. 24, May 27, 1789, fourth letter, Legajo 6.

³⁰ O'Reilly to Arriaga, March 1, 1770, No. 31, AdeSD, 80-1-9.

ferred it to the intendant.40 Governor Ulloa in 1767 offered to each married farmer coming to the St. Louis district free land to the extent of about 170 English acres. 41 Acadian settlers on La Fourche and on the Mississippi near Baton Rouge received in 1785 grants of six arpents (about 380 English yards in all) along the waterfront extending back to the swamp at a distance of 30 or 40 arpents and including therefore from 150 to 200 English acres. 42 Soon after Serrano's petition reached New Orleans early in 1789 Governor Miró found himself under special orders from Spain to make more generous provision (200 to 300 acres) of upland for Americans who were expected to settle at Natchez.43 The king's minister ordered in effect that each new Natchez settler should receive as much land as he could cultivate with the help of such half-grown sons or Negro laborers as his household might include. Anticipating this policy of state Governor Miró took steps toward judging what amounts of land should be allotted to Arkansas habitants. With reference to Martín Serrano's petition he wrote to Captain Villière as follows:

You will cause this man and all the others to draw up a memorial directed to me, asking that there be conceded to them the number of arpents suitable to them according to their abilities. At the end of the memorial you will add your report, which shall confine itself to saying whether the desired land is vacant or not and whether concession shall be made of the amount asked, or of less if you believe in conscience that it is too much. With this signed report you will send me the memorial, including the secretary's fee, which is five pesos. No one shall be established without [fulfilling] this exact condition, and you yourself will make no certificate of concession, since this is a prerogative of the Sovereign that resides in the governor of the province.44

Scant reason had existed in the earlier Arkansas years why any habitant should ask for title to the land that he cultivated or why anyone should care to buy the squatter-rights of an established farmer. In a 21-year space the Spanish fort had occupied three widely separate positions, and the habitants had followed it in its peregrinations. But now their dwellings stood on

40 Morales, statement, July 17, 1799, Legajo 2366.

48 Valdés to Miró, May 14, 1789, Legajo 176-2.

⁴¹ Ulloa, Instrucciones para la expedicion de la parte de Ylinueses, March 14, 1767, paragraph 41, in carpeta beginning with royal order of Jan. 22, 1782, Legajo 2357. Charles Arthur Etienne Gayarré, History of Louisiana (4 v.; New York, 1854-1766), v. 3, appendix.

⁴² Martin Navarro to Josef de Gálves, Aug. 15, 1785, No. 306, AdeSD, 87-1-20.

⁴⁴ Miró to Vallière, March 6, 1789, second letter, Legajo 6. The fee of five pesos was assessed against each claimant.

a high bank, and the village of the hunters had become too important to be readily deserted by the fort in a search for another position. Arkansas River moreover was varying its course, if only slightly, in a way that seemed to guarantee the habitant coast from intrusion. The farmhouses stood on the arc of a left bend that, under influence of changing currents in the next right bend above, was shortening and widening itself. Forces withdrawing the current from the bluff that the farmhouses crowned were directing the current toward the west side of the bend, on which stood the fort. Little by little the river ate into the bank. In successive spring rises the bank caved in. By the time of James Colbert's visit in 1783 the distance between the stockade and the bank had become reduced by one-third.⁴⁵

Both Lieutenant de Villars and Sub-lieutenant Soler had told Governor Miró in 1782 that a new fort was needed at the Arkansas.46 Captain Dubreuil, viewing the rotten oak pickets of Fort Carlos III, not four years old, confirmed their judgment less than a year later. Artillery action against Colbert's attack caused one of the fort's three serviceable 4-pounder cannon to become useless, and the others remained in poor condition. Governor Miró sent two half-pounder and five quarter-pounder pedreros,47 those tiny pieces of ordnance that fired slugs of lead rather than balls of iron and that the Americans called swivel-guns, but Captain Vallière in his first year of Arkansas service reported that all his artillery supplies were unserviceable.48 The governor had withdrawn the detachment that he had sent from Natchez in 1782, and discharges and desertion by the end of Dubreuil's term reduced the proper force of the garrison (two sergeants, four corporals, one drummerboy and twenty-five privates) to a total of twenty-six.49

The Spaniards maintained their defences as strongly as possible in the river posts. Georgia under her colonial charter claimed land to the Mississippi. An American expedition to take possession of Natchez for the United States was rumored early in 1783 and continued to be rumored in 1785 and 1786.⁵⁰ Britain

⁴⁵ Dubreuil to Miró, May 5, annexed to Espeleta to Gálvez, Aug. 20, 1783, Legajo 2360.

⁴⁶ Miró to De Villars, Aug. 23, 1782, No. 199, Legajo 3.

⁴⁷ Cf. Estado General de la artillería, [1786], annexed to Miró to Sonora, June 1, 1787, No. 250, AdeSD, 86-6-16.

⁴⁸ Vallière to Miró, Dec. 31, 1787, No. 85, Legajo 13.

⁴⁹ Miró to Dubreuil, July 29, 1783, No. 153, Legajo 3; Vallière to Miró, April 1, 1787, No. 65, Legajo 13.

⁵⁰ Piernas to Miró, March 21, 1783, Legajo 9. Of. Grand-Pré to Miró, April 18, 1786, No. 51, Legajo 12.

in the treaty of 1783 disregarded General Campbell's amended capitulation of 1781 and ceded to the new republic the Mississippi left bank as far south as 31°, including Natchez and almost including Baton Rouge. With the cession of territory went the right of navigation on Mississippi River, which Spain contended was not transferrable. Negotiations on these subjects progressed poorly in Philadelphia during 1786 with a special envoy sent from Spain.

Discussion of a proposed Spanish treaty and especially of the right of navigation caused emotions to rise in Kentucky. Some Kentuckians published their wish not only to occupy Natchez but to drive the Spaniards from Louisiana.⁵¹ St. Louis heard more than a Kentucky rumor in November, 1786. Some visiting Quapaw carried southward Lieutenant-Colonel Cruzat's letter of December 2 describing to Captain Dubreuil an American expedition led by George Rogers Clark and already on the way against Natchez.

In the spring of that year Captain Dubreuil had obligated his government by nearly \$56 for repairs he had been "indispensibly obliged" to make to his fort, and Governor Miró approving this small outlay had warned him against the future. "You must understand," the governor wrote, "that you must not make any except routine expenditures without first asking my permission for them, an indispensable requisite without which no expenditure will be paid."52 Dubreuil did not forget this warning when on January 2, 1787, his Quapaw brought him the message from St. Louis. The American expedition would be coming down the river before he could receive orders from New Orleans. He called a council of the habitants. He reminded his neighbors how the rotting stakes of his stockade fell, as he said, without being touched. He asked their help. Fort Carlos III was their fort, he told them; it would guard them and their property if it should be renewed.

Three years earlier Governor Miró had expressed a poor opinion of Arkansas energy when he refused to let that New Orleans gambler's device, a public billiard table, be established at the post. "Nevertheless," he had instructed Captain Dubreuil, "one of the principal duties of the commandant in posts so remote

 ⁵¹ Temple Bodley, George Rogers Clark (New York, 1926), 309.
 52 Dubreuil to Miró, April 23, No. 28, Legajo 12; Miró to Dubreuil, May 18, 1786,
 No. 122, Legajo 4.

as yours must be to obtain for the lazy ones, who are many in number, diversions that without being prejudicial to their own interests and to public peace may deter them from the crimes that idleness produces."⁵³ It was not the lazy ones of Arkansas Post that Dubreuil called into council. In rain that fell throughout the first three weeks of January the habitants, or their Negroes, cut stakes and hauled them to the fort, and there the soldiers removed rotten pickets and set new stakes in their places. By the end of the month Captain Dubreuil had renovated one side of his stockade and the existent one of the semi-bastions (projections for enfiladed musketry and pedrero fire) that he hoped might some time ornament all four corners. Although the habitants and the soldiers had contributed their labors the commandant offered Governor Miró opportunity to give them a gratuity in reward.⁵⁴

The governor let opportunity pass. The rumor of General Clark's expedition proved to be false, but Miró chose rather as an excuse the fact that Cruzat had announced an expedition only against Natchez and not against the Mississippi right bank. "This shall serve you as a rule," he wrote to Dubreuil's successor Vallière, "not to make any expenditures without my knowledge, since without that requisite no payment will be made. You will thank the habitants for the zeal they have shown in strengthening your fort, but as the Court's orders to keep down expenses are repeated it is not possible for me to concede any gratuity, and all I can do is to report to His Majesty in order that he may concede it if that should be his royal pleasure." 55

The work moreover proved to be useless. Now after years of Mississippi floods it was the turn of Arkansas River to run wild. Four great rises in the course of 1787 increased the bulge of the river bend. At the end of the year one landslip left only 18 inches of overhanging esplanade remaining before the fort. The commandant removed his artillery for safekeeping. A rise of February, 1788, tore away the new bastion. In the middle of March all the riverfront stockade slipped down the bank. Captain Vallière's house stood at the rear, within the stockade, but he thought it best to send his wife and son to New Orleans. By

⁵³ Miró to Dubreuil, Feb. 17, 1784, No. 143, Legajo 3.

⁵⁴ Dubreuil to Miré, Jan. 20, 1787, No. 56, Legajo 13.

⁵⁵ Miró to Vallière, April 2, 1787, Legajo 4.

the end of 1788 little remained of Fort Carlos III. Part of the Arkansas garrison was lodged beyond the ruined enclosure.⁵⁶

Captain Vallière, like Dubreuil in 1783, recommended for a new fort a site that was half a mile (northward) down the river bend but that he described only as "a place here near the village, . . . suitable for building and . . . commands also all the houses of the post."⁵⁷ In his hope for quick relief from distress he sent a sergeant and ten soldiers on May 1 to clear the land he had chosen adjoining the habitants' fields.⁵⁸ An error he committed in one letter spoiled his plans. He announced as fact that the old site of Captain de Villiers' post at the river mouth was no longer overflowed by the Mississippi.⁵⁹

The fact was, as Governor Miró well knew, that the great river continued to overflow the former site in every June; yet Miró's repetition of this alien subject condemned the Arkansas to remain without a fort during more than two years. Miró's report made on May 15, 1788, drew from Captain-General Joseph de Espeleta, successor of Gálvez in Havana, an order of July 23 to explain the Arkansas situation to the engineer of Pensacola, who was about to visit Cuba. Yet, wrote the captain-general to the governor, "if the removal of this fort should be very urgent, in that case you may proceed as may seem proper without waiting for my decision."60 It seems that this reply failed of delivery; Miró asserted in 1789 that his letter to Espeleta still remained unanswered.61 Meanwhile the captaincy-general of Havana became vacant and the king's lieutenant assumed that office ad interim. The temporary administrator refused to decide the question of whether Fort Carlos III should be rebuilt or, if so, where. Answering a reminder from Miró of November 25, 1789, he asked for detailed information in order that he might report to the king for royal decision.62

In the following August Governor Miró learned that a new captain-general, Luis de las Casas, had assumed office in Hav-

⁵⁶ Vallière to Miró, Dec. 31, 1787, Feb. 15, March 18, May 2, Dec. 22, 1788, Nos. 78, 86, 91, 107, 128, Legajo 14.

⁵⁷ Vallière to Miró, Feb. 15, 1788, Legajo 14. Cf. Dubreuil to Miró, May 5, 1783, as cited, Legajo 2360.

⁵⁸ Vallière to Miró, May 2, 1788, Legajo 14.

⁸⁹ Same to same, Dec. 31, 1787, No. 78, Legajo 14.

⁶⁰ Miró to Espeleta, May 15, Espeleta to Miró, July 23, 1788, Legajo 1394.

⁶¹ Miró to Cabello, Nov. 25, 1789, Legajo 1425.

⁶² Cabello to Miró, Jan. 26, 1790, annexed to Las Casas to Campo de Alange, Feb. 4, 1791, No. 43, AdeSD, 86-6-20.

ana.⁶³ Already Miró had created a situation in which a commissioned captain-general might not decline to act, and so with a letter of October 21, 1790,⁶⁴ he was able to send to Cuba a memorial recently received from the Arkansas. Old names and new names were signed to this document, which residents of Arkansas Post had presented on July 26 to their new commandant, Captain Ignace Delino de Chalmette. François Menard and Jean Diane found a Canadian companion in Pierre Massières, formerly of Vincennes, but from some other part of the continent had come Schwimer, Christian Lewengerd, Christopher Harbby and Frederick Griceleis. Their petition, with its varying grammar, ran as follows:

Señor Comandante: The undersigned habitants have the honor to set forth to you that they have just learned with great sorrow that you have no order for establishing in this post a little fort absolutely indispensable for the security of their households and the safety of the settlement, continually surrounded by Indians of various tribes who incessantly molest us. We are convinced of the good intentions of the governor in the matter, but we know that the matter does not depend directly upon him. Therefore we offer to you to contribute the number of stakes necessary to enclose the fort, and we beg you may have the kindness so to inform the said governor and to tell him that we are new habitants and without wealth and that we beg him, if it is possible, to obtain a small gratuity for us.⁶⁵

The number of stakes offered by the habitants would fall short of the number needed for enclosing, as Captain Delino said, "a regular fort," but Delino thought that more stakes might be had. He accepted the habitants' offer, and the work of cutting began. He estimated at not more than \$1,200 or \$1,500 the cost of the buildings necessary within the stockade, and Governor Miró authorized him to let the building contracts. The captain-general on January 20, 1791, confirmed the governor's approval. "It is proper also," wrote Luis de las Casas, "that you provide some gratuity to the habitants in view of the fact that they are newcomers and already have begun [their work], but in the future they will have to keep up the fort for their protection."66

⁶³ Miró to Las Casas, Aug. 12, 1790, Legajo 1440.

⁶⁴ Same to same, Oct. 21, 1790, No. 56, Legajo 1440.

⁶⁵ Annexed to Las Casas to Campo de Alange, Feb. 4, 1791, No. 43, AdeSD, 86-6-20.
66 Miró to Las Casas, April 16, 1791, Legajo 1440; Las Casas to Campo de Alange, Feb. 4, 1791, and enclosures, AdeSD, 86-6-20.

The habitants and soldiers already had begun their work at the "advantageous site," adjoining the fields and well within cannon shot of the upland village, that Dubreuil and Vallière had chosen in earlier years and that Governor Miró had indicated to Delino in orders that that commandant had carried with him to the Arkansas. This fort, perhaps 150 feet square and intended for a garrison that Miró thought might some day increase to the number of fifty, may be pictured from a description of the larger Fort San Esteban (St. Stephens, Alabama, directly east of Natchez), which Esteban Miró's nephew, Captain Vicente Folch, had built in 1789 suitable ("at a pinch," said the governor) for a garrison that some day might increase to 100 men. San Esteban de Tombeché was "a square of 220 feet on a side with a semibastion at each angle, constructed of stakes of oak twelve feet long, set three feet into the ground and furred on the inner side with stakes of the same wood to the height of six [feet]."67

Delino let the Arkansas building contracts, one of \$490 to Pierre Lefebre for the commandant's house, in which some wood from the old house should be used, another of \$515 to Pierre Ragaut and Joseph Baugy for construction of the barracks, for which the government would have to supply nails, hinges and doorlocks, and still another to Joseph Baugy alone for 200 big stakes at \$15 a hundred and 900 smaller stakes at \$5 a hundred. The hardware sent by Governor Miró included twelve shovels, twelve mattocks and six axes. For construction work the soldiers of the garrison received a total of \$158.25 at the rate of 25 cents (two reales) a day in addition to their army pay, but for the final clearing and policing of the esplanade they were directed to use the new implements as part of their military duties. 68

Delino had promised that the work should be finished by November. To complete the fort Governor Miró in August approved a further expenditure of not more than \$100 in all for a kitchen for the commandant's house, a bakeoven for the barracks, a flagpole for the plaza and, for the remote points of the sentinel's path, two sentry boxes. So before the end of 1791 a new Fort Carlos III stood upon the river bank adjoining the habitants' fields. From its sentry boxes again through the night might be heard the call, "All's well," and the reassuring answer, "All's well." 89

e⁷ Mir´o to Folch, May 10, annexed to Mir´o to Cabello, Aug. 5, Folch to Mir´o, May 22, annexed to Mir´o to Cabello, July (†), 1789, No. 11, Legajo 1425.

e⁸ Mir´o to Delino, Feb. 17, 1791, first, fifth, sixth and eighth letters, Legajo 8.

e⁹ Of. Halley, Journal.

CHAPTER VI

SAN ESTEBAN DE ARKANZAS

In December, 1786, when Lieutenant-Colonel Cruzat of St. Louis wrote to warn Arkansas of American invasion, James Wilkinson of Kentucky sent to the American congress a letter to reveal that George Rogers Clark was planning an attack upon Natchez. Such a revelation was easy to accept, since the new American government's failure to establish an American right of Mississippi navigation was leading many men of the west to say that Kentucky soon must secede from the union and take direct military action against Louisiana or else become a part of the Spanish province. Cruzat's warning came to the hands of Governor Miró in the middle of January, 1787. For the moment Natchez must depend on its newly strengthened garrison, but in order that the garrison might have news in advance if Clark's attack should be deferred to another year Miró reported to the colonial minister asking permission to establish an advance post. A year later he reviewed his project as follows:

Under date of January 17 of last year, being informed by the commandant of Ylinoa that the American Brigadier-General Clark was recruiting men to make an attack on Natchez, I reported to His Excellency the Marqués de Sonora that it would be well to maintain at that post, until the boundaries should be settled, the galley and three small armed boats that His Majesty owns here, and in addition two good canoes in order that one should be stationed with a detachment of six men, one sergeant and one corporal at the upper end of the island that is in our river 100 leagues above Natchez, to serve as a lookout and to come down quickly to give notice if they should see an expedition, the other canoe to be used for relieving the aforesaid detachment every two months. I reported also that the expense these boats would cause at Natchez would consist of putting on the payroll one patron and ten sailors for the galley, one patron and four for each armed boat, one patron for each canoe and two reales of daily extra pay for each soldier when he should be rowing on the river.2

In the summer of that same year, 1787, the river brought to New Orleans James Wilkinson of Kentucky with news that General Clark still intended a Kentucky expedition to occupy Natchez. Before Wilkinson's written memorial of September 5 reached Spain the Spanish government had taken steps to maintain its

Bodley, George Rogers Clark, 317, 322, 325-326.
 Miró to Martín Navarro, Jan. 29, 1782, Legajo 270.

sovereignty on the Mississippi left bank above 31° north latitude. On November 3 the king appointed Colonel Manuel Gayoso de Lemos as governor of Natchez,³ in part independent of the provincial government in New Orleans. A few months later the king entered upon a policy of attracting Americans as settlers and licensed traders in Louisiana, and in February, 1789, Governor Miró conformed to this policy by ordering the Arkansas commandant to invite the immigration—of Americans not only from Kentucky but also from Vincennes and Detroit.⁴

The Spanish envoy in Philadelphia authorized one colony of Americans for the Mississippi right bank, and his act met royal approval. In 1788 Lieutenant-Colonel Pérez of St. Louis formed a somewhat similar idea of his own to prevent the illicit commerce that traders from Vincennes were carrying on with Delaware Indians in the Mississippi bend called the Anse à la Graisse.⁵ In September Pérez reported that six families from his district whom he had sent there had built a little village.⁶ Early in 1789 the first American colonists from the Ohio chose the same point for their settlement.⁷ In July a Spanish officer with thirty-three men left New Orleans to complete the new post, soon to be guarded by two 4-pounders, six pedreros and a stockade⁸ and to bear the name New Madrid.⁹

All these improvements lay in the future when in January. 1788, Governor Miró heard a new Philadelphia rumor that frontiersmen of the Carolinas where preparing flatboats for an armed expedition from Tennessee River to invade Louisiana. The governor decided to send to Natchez a squadron from his coast-guard fleet, two small armed bateaux (lanchas cañoneras), one larger gunboat (galeota) and the province's only galley (galera). Two pirogues were starting in advance, and, wrote the governor to the intendant, "there will be necessary four tents for the use of the aforesaid lookout, [and] the axes, shovels, mattocks and saws needed for forming at the head of the island I have men-

³ Valdés to Gayoso, Nov. 3, 1787, Legajo 176-2; Miró to Gayoso, May 15, 1789, Legajo 6.

⁴ Miró to Vallière, Feb. 28, 1789, reservada, Legajo 6. ⁵ Cf. Vallière to Miró, April 27, 1787, No. 67, Legajo 13.

Cf. Valuere to Miro, April 27, 1787, No. 67, Legajo 13.

⁶ Pérez to Miró, Sept. 6, 1788, No. 36, Legajo 14.

Light, Rankin, Ward, Shrewe, Stuart and Rhea to Trumbull & Co., New Madrid, April 14, 1789, in carpeta beginning with Grand-Pré to Miró, Sept. 13, 1787, Legajo 2361.
 Miró to Cabello, Aug. 5, 1789, and first two enclosures, Legajo 1425; Miró to Valdés, March 15, 1789, No. 32, reservada, Jan. 27, 1790, No. 47, reservada, Legajo 177.

⁹ Valdés to Miró, Oct 25, 1789, Legajo 176-2.

tioned a small redoubt in which I shall order the barracks to be placed, the better to preserve the provisions and for the shelter [of the detachment.]"10

In the course of twelve months Miró had varied his plan of basing a lookout on Natchez. On March 23 the two pirogues arrived at Arkansas Post with their two patrons, their two sergeants and their twelve private soldiers. Fort Carlos III was a ruin, its front wall already devoured by Arkansas River, but Captain Vallière acted promptly before the end of March to carry out his governor's orders. With half of the new detachment he went down the river and chose as the site for his outpost a little round island near the Mississippi right bank one short league below the Arkansas mouth. Up along the side (straight then) of Big Island the great river lay in a reach that would permit to watchers on the little round island a view of two leagues and therefore a 2-league headstart on their race to warn Natchez if they should see an enemy expedition coming down from the north. Captain Vallière was confident that the little round island stood above the level of the highest June rises. He ordered the new soldiers to raise an earthen parapet and to cut wood for a cabin to be both barracks and storehouse, measuring 18 by 25 feet, with loopholes five feet apart in each wall.11

The nine men stationed for the first two weeks on the little round island (one sergeant, six privates, the patron of their pirogue and an Arkansas resident to advise them) received from Captain de Vallière the following rations for a 15-day period: 150 pounds of hard bread worth 2 reales a pound; 100 pounds of meat worth 8 cents (about one-third of one real) a pound; ten pots of manteca worth 5 reales a pot; one half-barrel of corn meal worth 2 pesos 4 reales, and six pounds of salt worth one real a pound. The total cost amounted to 55 pesos, or more than 3 reales a day for each man, though a soldier's ration allowance was only one and a half reales a day. Governor Miró raged at exhorbitant charges even at a post where provisions were, as Captain Vallière told him, very dear. 12

The governor had reason to rage again when he read the commandant's letter of May 16. The spring rise had covered the little round island with water three feet deep. Vallière had

¹⁰ Miró to Martín Navarro, Jan. 29, 1788, Legajo 270.

¹¹ Vallière to Miró, March 30, 1788, No. 92, Legajo 14.

¹² Relación de las raciones, annexed to Vallière to Miró, March 30, 1788, No. 96, Legajo 14: Miró to Vallière, April 19, 1788, third letter, Legajo 5.

chartered a barge, big enough to hold the outpost garrison and their campfire, at cost of two and a half pesos a day and had sent it to be the new soldiers' home. He had ordered them that when they should see the enemy flatboats coming down the Mississippi they should leave the barge at the island and hasten down by pirogue to Natchez to give the alarm. But Governor Miró already cherished doubts of the Tennessee expedition; on April 19 he ordered Vallière to withdraw the lookout on July 1, retain enough of the new men to bring his own garrison to full strength and send the others to New Orleans. The new blockhouse should be occupied in future by a corporal and four soldiers of Arkansas. Vallière carried out the latter order by setting his small outpost at the forks.¹³

George Rogers Clark was hoping at this moment that he himself might found a colony in the St. Louis district with Spanish permission. His plan met with refusal, and early in 1791 an agent of James Wilkinson warned Colonel Gayoso of Natchez that General Clark was about to lead an army against Natchez and New Orleans. As an outpost of Natchez Colonel Gayoso made a settlement at Walnut Hills (Vicksburg), where in the following year he completed the Spanish fort of Nogales. The end of 1791 brought to Louisiana the end of government by Esteban Miró, whom the Baron de Carondelet succeeded on December 30. For the protection of the province Carondelet adopted and expanded a plan originated by Miró. In 1792 he proposed to join gunboats to the galley stationed at Natchez and to put the squadron under command of Captain Rousseau, late commandant of Natchitoches.

Although the governor might well expect an attack from the north he could not foresee in just what way it might arrive. King Carlos III, whose name honored the Arkansas stockade, had died on December 14, 1788, and was succeeded by the goodnatured Carlos IV. When the French people in 1789 forced from their equally good-natured Louis XVI a constitution that seemed to end Bourbon absolutism in France the absolute Bourbon king of Spain lost his European protector. On August 10, 1792, rioting Parisians attacked the Tuileries palace and set the beginning of

14 James, Life of George Rogers Clark, 393, 405.

¹⁸ Vallière to Miró, May 16, 1788, Legajo 14; Halley, Journal.

¹⁵ Halley, Journal, entry of May 29, 1791; Gayoso to Miró, May 10, annexed to Las Casas to Campo de Alange, Nov. 5, 1791, Archivo de Simancas, Guerra, Legajo 6928; Gayoso to Carondelet, April 3, 1792, AGI, PdeC, Legajo 177.

¹⁶ Las Casas to Campo de Alange, Sept. 5, 1792, No. 220, and enclosure, AGS, Estado, Legajo, 6916.

a republic in place of the French Bourbon monarchy. Before the end of the year George Rogers Clark offered the new French state his services to liberate Louisiana from the Spanish Bourbon power.¹⁷ In the last month of the year the Girondist French government appointed as minister to the United States a young republican, Edmond Genêt, with instructions that included the carrying of liberty and independence to Louisiana and the adjoining provinces of Spanish America. In January, 1793, King Louis XVI ended his life on the guillotine. In February and March republican France entered into war with Britain and even with Spain.

In time of war Louisiana could expect little help from overseas. Governor Carondelet surveyed his defences and in April, 1793, found those of the river posts to be in poor condition. Successive commandants of Natchez under orders of Governor Miró had changed Fort Panmure from a stockade into a heavy earthwork with fascined walls, but Carondelet preferred to describe this redoubt as "a trading post rather than a fort."19 The bank of the Anse á la Graisse was falling into the Mississippi and promising some time to carry with it the stockade and the village of New Madrid, but Carondelet had just added two 8-pounder guns to the post's previous armament of four 4-pounders. Fort Carlos III of the Arkansas had serviceable only two of the four guns it rated and displayed, and \$2,000 would be needed to put it into a state of defence. 19 Against rumored American intentions, official and unofficial, to occupy Chickasaw Bluffs the governor had in mind the sending of the Natchez galley and other armed craft up the river in July to establish and guard a settlement that Captain Delino should be transferred from the Arkansas to command.20

These plans remained in suspension. So did the plans of Citizen Genêt, who reached the United States in April but found it inconvenient to send out immediately the various expeditions that he hoped would drive Spain from Louisiana. Governor Carondelet continued his project of constructing a river squadron. To the Natchez galley he added in October two galeotas, the Flecha to cruise at the Ohio mouth and the Activa to cruise be-

¹⁷ James, Life of George Rogers Clark, 410-411.

¹⁸ Carondelet to Las Casas, July 20, annexed to Las Casas to Campo de Alange, Nov. 8, 1729, AGS, Guerra, Legajo 6928.

Relación del estado de las Plazas Fuertes, April 18, 1793, AGI, PdeC, Legajo 1447.
 Carondelet to Aranda, Jan. 8, annexed to same to Las Casas, Jan. 9, 1793, Legajo 1447; same to Portell, April 1, 1793, Legajo 2363.

tween the Arkansas mouth and Nogales. Three months later he added three new galleys and one armed boat and ordered Captain Rousseau to comand the entire force from headquarters at New Madrid.²¹

The governor made this last addition to the squadron after receiving in November a message from the Spanish chargé d'affaires in New York. Preceding the galleys on December 31, 1793, there went to Captain Thomas Portell of New Madrid warning of an expedition authorized by Edmond Genêt and already preparing at the Falls of the Ohio (Louisville), to be led by General Clark, whose intent would be to capture the artillery of St. Louis and in succession the posts of New Madrid. Nogales and Natchez.22 The Arkansas was of too small importance to receive mention in Carondelet's dispatch, but Captain Delino had his own sources of information about danger threatening his post. He reported that eight American hunters who had lived eight years in his district had gone back to the Ohio intending (he supposed) to join the French expedition and had omitted to repay the total of \$3,000 that they owed to the Arkansas traders who had outfitted them.23

Before the governor's letter of December 31 reached New Madrid Captain Portell received from the northward other news that he passed on to Captain Delino. In fear now of an immediate descent from the Ohio the Arkansas commandant on January 15, 1794, summoned to aid his garrison of thirty-two men²⁴ the full current strength of his Arkansas militia, for whose services at Fort Carlos III the new King Carlos IV would have to pay. "This precaution seems to me useless," Governor Carondelet wrote to the captain-general of Havana, "both because of the impossibility of their defending themselves in a sort of fence or circuit of stakes that they call a fort and also because the entire settlement consists of not more than 130 men and, being 130 leagues away, I cannot give aid; and I am ordering him that he shall disband his company and that as soon as the enemy shall have taken New Madrid or shall be coming down the Mississippi he should evacuate his post and retire with his troops, militia and munitions to Nogales."25

²¹ Carondelet to Gayoso, Aug. 15, 1793, same to Las Casas, Jan. 24, 1794, Legajo 1447.

²² Carondelet to Portell, Dec. 31, 1793, Legajo 2363.

²³ Carondelet to Gayoso, Jan. 15, 1794, Legajo 1447.

²⁴ Carondelet to Gayoso, Feb. 7, 1794, Legajo 1447.

²⁵ Carondelet to Las Casas, Feb. 8, 1794, Legajo 1447.

To protect the other northern posts Captain Rousseau and his three new galleys left New Orleans on January 21, 1794,26 but before they had passed Natchez the French expedition was under arrest at Nogales, captured by the galeota La Flecha near the Ohio mouth.27 It consisted of one French adventurer who moreover had entered the pay of the Spanish chargé before he started on his journey.28 On March 6 a new French minister succeeding Genêt in Philadelphia issued a proclamation forbidding French citizens to violate American neutrality.29 Governor Carondelet nevertheless thought it proper to carry out his plan to occupy the Mississippi left bank below the Ohio. In 1793 the American government had delivered Indian presents to the chief Poymingo at Chickasaw Bluffs.30 In February and March, 1795, Carondelet planned to moderate American influence among Chickasaw Indians. He imparted his purpose thus to Louisiana's new intendant:

The Americans . . . intend to come this spring down the River Mississippi to the Barrancas á Margot [Memphis] with presents, it is said, for the Chickasaw nation and doubtless with the idea of taking possession and of building there a fort that would completely cut communication with the settlements on the upper river and would give them there a post that would inevitably make them masters of river navigation. . . . The only . . . recourse if it is desired to preserve this province and to protect its inhabitants . . . is that of occupying the Barrancas á Margot. . . . 31

So, late in May, the Natchez galley Virgilancia,32 accompanied by other boats, tied up in the Esperanza bend, which her most distinguished passenger identified as the place "where the rebels of Natchez captured Madame Cruzat." On May 23 Colonel Gayoso crossed the great river to the point where now stands the city of Memphis, and there he bought from Chief Ugulaycabé an area of about 3,000 square arpents between river and bluff. On the same day fifty men from the squadron began to clear the land for a stockade that in honor of the Spanish crown prince assumed the name San Fernando de las Barrancas.³³

 ²⁶ Carondelet to Las Casas, Jan. 24. annexed to Las Casas to Campo de Alange, Feb. 21.
 1794, No. 374, AGS, Astado, Legajo 7235 Cf. James, Life of George Rogers Clark, 427.
 ²⁷ Annexes to Las Casas to Campo de Alange, May 19, 1794, AGS, Estado, Legajo 7235.
 ²⁸ Pis-Gignoux to the Spanish ambassador, New York, Oct. 1, annexed to Las Casas to Campo de Alange, Oct. 26, 1793, No. 23, reservado ibid.

James, op. cit., 427.
 James, op. cit., 427.
 Gayoso to Carondelet, June 13, 1795, AGI, PdeC, Legajo 2364.
 [Carondelet] to Francisco Rendón, March 23, 1795, muy reservado, Legajo 2364.
 A drawing of this boat is reproduced in Baldwin, Keelboat Age, t. f. p. 32.
 Gayoso to Rousseau, March 17, same to Carondelet, April 25, May 23, 31, June 13, 1795, Legajo 2364.

As commandant of this fort, to which two years earlier the governor had destined Captain Delino, the choice of 1795 fell upon ex-Governor Miró's nephew, Vincente Folch.³⁴ Captain Delino went soon to command at Nogales. Before the end of 1795 another officer had succeeded to his position at Arkansas Post.

The fort of Nogales, begun under Governor Miró and finished (with a Yazoo outpost) under Governor Carondelet, and Carondelet's fort San Fernando de Barrancas created fully the situation that Miró in 1782 had judged would permit withdrawal of troops from the Arkansas. Yet a new situation assuring the continued existence of an Arkansas garrison was preparing in Europe. On July 22, 1795, Spain made peace with France. On October 25 Spain by treaty acknowledged the boundary line of 31° and granted to the United States the free navigation of the Mississippi River that Carondelet had feared some Americans might take for themselves without a treaty.

Spanish plans for the right bank, looking toward the protection of the road to Santa Fé, included two great agricultural colonies on Ouachita River, a new fort for the Ouachita post. between the two colonies, and also improvements on Arkansas River. When a distinguished French secret agent paid a visit to Arkansas Post in September, 1796, he found that a new commandant had transferred Captain Delino's outpost from the forks to the mouth of White River. The fortifications on the Arkansas did not meet with his approval. He described them as "two wretched sheds . . . surrounded by tall stakes, without ditch or parapet, and mounting four old and useless 6-pounders, bearing the name of fort. . . . A short distance behind the fort is seen a little village."35 Governor Carondelet likewise had failed to give his approval to the fortifications existent on the Arkansas. The French visitor found an engineer officer surveying the possibilities of establishing a new fort near the village on the upland a half-mile 'distant.36 Yet the Council of the Colonies in Spain hesitated to authorize so important and expensive an undertaking for so unimportant a post. In September, 1797, the Council decided to rebuild a fort near the Mississippi mouth, but only to repair the stockade of Arkansas Post. 37

^{34 [}Carondelet] to Gayoso, Nov. 20, 1795, Legajo 2364.

³⁵ Collot, Voyage, II, 52-53, 55.

³⁶ Ibid., II, 53.

³⁷ Santa Clara to Alvarez, Jan. 24, AdeSD,86-7-4.

The post's new commandant, successor of Captain Delino. came of a family both prominent and unfortunate in Louisiana. His mother was Françoise Petit de Coulange, widow of the French colony's ordonnateur Dauberville. Married in France in 1761 to a Louisiana chevalier of St. Louis, the lady returned to New Orleans in 1764 as wife of the officer newly commissioned in Spanish colonial service as Pedro Gerardo de Villemont, lieutenant-colonel of cavalry.38 A challenge and duel not of his own seeking lost De Villemont late in 1768 some of the Spanish favor he had gained and suspended his commission and his salary.39 One year later he died, leaving his widow with two small sons. 40 In recognition of the father's services a royal order of July 26, 1770, gave appointment and allowances as cadet to the elder son, Charles. The boy can have been not yet 13 years old when he sailed for Spain in January, 1775, in order to petition for an officer's commission.41 Two years and more later he came back to New Orleans with a royal order of December 5, 1776, assuring him a commission when a vacancy should occur, and the army list of January 12, 1780, included his promotion to sub-lieutenant in the Battalion of Louisiana.42

At the time of his mother's death in 1784 Sub-lieutenant Charles de Villemont was attached to the new Spanish garrison in Pensacola. The following year brought him to Natchez,43 and a subsequent decade of military experience earned him Governor Carondelet's order in 1795 to take command at the Arkansas.

In various forms successive French and Spanish governors, commandants and other officers had spelled the name Arkansas during more than a century past. The early Canadians, slighting the letter "r," wrote it Akança or Akancea. Metropolitan French coming by sea to New Orleans changed the spelling first to Akansas and later to Arkansas. The Spaniards, in whose colonial dialect "s" and "z" were pronounced alike, preferred it as Arkanzas, and thus Commandant de Villemont wrote the date lines of his letters in 1795 and 1796. A change was prepared for the Arkansas and for its name when Louisiana's first bishop, the

³⁸ Surrey, Calendar of Manuscripts, II, 1373, 1392, 1452, 1474.

³⁹ Grimaldi to Altariba, July 25, annexed to Altariba to Ulloa, Oct. 3, 1770, Legajo 82.

⁴⁰ Surrey, op. cit., II, 1536; Unzaga to Bucareli, Jan. 22, 1771, No. 140, Legajo 1055.

⁴¹ Unzaga to La Torre, Jan. 2, 1775, Legajo 1146.

⁴³ Gálvez to Josef de Gálvez, June 2, 1777, No. 53, ANH, letterbook; list annexed to Josef de Gálvez to Gálvez, Jan. 12, 1780, Legajo 175.

43 Miró to O'Neill, Nov. 2, 1784, July 28, 1785, Legajo 3.

Most Reverend Luis de Peñalver y Cárdenas, arrived at New Orleans in July, 1795, and within the month began a survey of his diocese.44 Five months later the bishop reported to the archbishop of Santo Domingo and also to the captain-general of Havana begging for priests to station in the vacant pastorates of various posts including Rapides, Avoyelles, Ouachita and the Arkansas. 45 His success was such that the Reverend Pierre Janin⁴⁶ appeared one day at Fort Carlos III to establish the Arkansas community as the parish of St. Stephens, and in the years 1797 and 1798 Commandant de Villemont dated his letters from the Fuerte San Estevan de Arkanzas.47

It was the parish and not the fort that became properly San Estevan, since the oaken stockade of Fort St. Stephens on the Tombigbee had preempted a military title to that name. More importantly it was the village on the Arkansas upland that for the first time shared a name with "the post." As in the days of the French, the Spanish royal government provided salaries for colonial pastors but no longer the pittance of \$10 a month that Governor Ulloa in 1768 had asked his king to increase by one quarter. Louisiana pastors of the 1790's received \$20, \$25 and \$30 a month according to what expenses they had to meet at various posts.48 Father Gregory Savage, the Irish priest of Spanish Natchez, even had his salary raised in 1792 from \$40 to \$60 a month.49

In addition to salary the king provided a dwelling house for each pastor, but he failed to choose a good house for Father Janin. The commandant estimated early in 1799 that necessary repairs to the Arkansas rectory would cost more than \$431. Although on October 13 the intendancy's petition forwarded from New Orleans received royal approbation for this expenditure, 50 Father Janin seems not to have profited from His Majesty's royal piety, since in 1800 the commandant's correspondence bore again in its date lines simply "Arkanzas." In that year also Louisiana's first and last resident Spanish bishop sailed away to

⁴⁴ Louisiana Historical Quarterly, XXI (1938), 1071n.
45 Bishop Peñalver to Las Casas, Jan. 4, 1796, and enclosures, Legajo 1458.
46 Morales to Soler, May 31, 1799, AdeSD, 87-2-25.
47 Cf. his signature of May 29, 1797, from Legajo 48, in Archives of the Indies, photocopies, v. 4, plate 145. For successive date lines see Hill, Descriptive Catalogue, references to Legajos 212, 213, 215, where the French "des" appears apparently in error for the Spanish "de."

⁴⁸ Bishop Pefialver to Fray Fernando Portillo y Torres, Jan. 4, annexed to same to Las Casas, Jan. 4, 1796, Legajo 1458.

40 Gardoquí to Carondelet, Nov. 6, 1792, Legajo 2317-2.

50 Morales to Soler, May 31, 1799, AdeSD, 87-2-25.

51 Hill, Descriptive Catalogue, reference to Legajo 217.

Spain, and Spain by a secret treaty ceded Louisiana to France. When France took possession of the province in December, 1803, only one priest was still in service on Red River and not one on the Mississippi right bank between Pointe Coupée and the Ilinueses.⁵²

The French commissioner for the transfer of the province knew that in that same month he must reconvey possession to commissioners of the United States, to whom the Emperor Napoleon had ceded the colony that King Carlos IV had ceded to him. The American commissioners made known their refusal to accept artillery or other warlike articles, and the French commissioner therefore refused to accept such articles from the Spanish colonial government.⁵³ Making sure that his refusal would be carried into effect, he authorized as his own agent to receive the transfer of river posts from Spanish commandants the American officer, Captain Amos Stoddard, who was to receive the transfer from him.⁵⁴

Therefore Captain Stoddard's agent, Captain Daniel Bissell, coming down the Mississippi on the spring rise of 1804, accepted on March 18 only the post of New Madrid and its paper records from Jean Lavallée, lieutenant of militia, the successor to successive commands held on the Anse à la Graisse by Pierre Foucher, Thomas Portell, Charles Dehault Delassus and Henri Peyroux de la Coudrenière, officers of the Regiment.⁵⁵ On April 17 at the Ouachita post Captain Bissel received a similar transfer of records from the officer of the Regiment who had taken over command from a militia predecessor.⁵⁶ A month's voyage of 600 miles down the Mississippi from New Madrid and nearly 300 miles up the Red, the Black and the Ouachita the American officer had to interrupt by a side trip in order to visit Arkansas Post.⁵⁷

The three Quapaw villages stood now all together on the right bank a dozen miles above the Arkansas fort.⁵⁸ During a century Canadians had hunted and traded along the Arkansas,

⁵² Hasset to Salcedo and Casa Calvo, June 23, Dec. 6, 1803, Legajo 2368.

⁵³ Cevallos to the commissioners for the transfer of Louisiana, March 25, 1804, Legajo 176-2.

⁵⁴ Amos Stoddard, Sketches, Historical and Descriptive, of Louisiana, (Philadelphia, 1812) preface.

⁵⁵ Lavallée to Casa Calvo and Salcedo, March 29, 1804, Legajo 2368.

⁵⁶ Hill, Descriptive Catalogue, xxxviii.

⁵⁷ Spanish record of the Arkansas transfer has not been found.

⁵⁸ Collot, op. cit., II, 57; Dr. John Sibley in Hodge, Handbook of the American Indians, II, 335.

and the Quapaw nation had become a nation of mixed blood.⁵⁹ Mixed blood to somewhat the same extent was evident in the hunters' village of the upland, where a few dozen houses sheltered a population of 400 or more persons. During autumn, winter and early spring only women, children and old men lived in the village. As spring progressed the hunters came back from their winter's work dans la rivière to pass the summer like Indians of full blood in drinking, dancing, gaming or doing nothing at all—the scum of the posts, said a trader of St. Louis.⁶⁰ The better-class rural suburb on the river bank, which successive commandants had called "the post," held itself aloof, but its decades of importance had passed. The upland village even stole the suburb's name. To-day it still bears the old name, Arkansas Post.

Stoddard, op. cit., 206. Cf. A Compilation of all the Treaties, 719-720.
 Perrin du Lac, Voyage, 367-368; diario of James Mackay, annexed to Trudeau to Gayoso, Jan. 16, 1798, No. 316, Legajo 2365.

HENRY CLAY VISITS NEW ORLEANS

By FRANCIS P. BURNS

CHAPTER I

Occupying the central place of honor in Lafayette Square in New Orleans is a tall and somewhat gaunt statue of a great American—Henry Clay of Lexington, Kentucky.

The statue itself has been criticised in years past, and more recently, as lacking some of those features which make for artistic merit; but, strangely enough, unless one searches through the crumbling pages of old and contemporary newspapers, there is little or no data available in standard reference works and histories which explain why New Orleans with its large Creole population, mostly of French and Spanish descent, has seen fit thus to honor a man from Kentucky bearing a name which is anything but Creole in its connotation.

This statue of Henry Clay was purchased and erected by the people of New Orleans who revered and bestowed upon Henry Clay during his lifetime such adulation and evidence of esteem as few men in public life, even natives of Louisiana, have ever received. This admiration found its ultimate expression in the bronze memorial that now stands in dignified aloofness in Lafayette Square facing City Hall, and not the Mississippi River as its original donors intended, and so placed it.

While there is considerable divergence as to the greatness of Henry Clay as a statesman, or even as a mere politician, there is greater unanimity of opinion as to his being a great American. The very span of his life embraces what is undoubtedly the most critical and dramatic period in American history, extending from the early struggles of the Revolution through the troublesome and formative years following the adoption of the Constitution by the thirteen original States, to the commencement of the Civil War, when the bonds of that Union of sovereign States created by the armies of Washington were to be reforged and made more enduring in the fiery furnace of that terrible conflict known more accurately in Southern histories as the "War between the States."

¹ John Smith Kendall, "New Orleans Miser Philanthropist: John McDonogh," in Louisiana Historical Quarterly, XXVI (1943), 138.

In the unfolding of the dramatic events in our national history during the period from 1800 to 1860 the names of Calhoun, Clay and Webster stand out as a great triumvirate of statesmen and orators, unparalleled during their lifetimes and since, and preeminent among those who welded together the links of the Union of States which grew from the original Confederation of Thirteen States, and which the fierce and internecine struggle of 1861-1865 was to prove unbreakable.

Henry Clay was an ardent supporter of the American Union, and its preservation was one of the strongest influences in his life and on his political career. He made many valiant attempts to preserve the solidarity of that Union. Fate was kind in ringing down the curtain of his life at the height of his success in that respect when the Compromise of 1850 was adopted. It was at the apogee of his renown as a statesman of the Union that the people of New Orleans decided to erect a monument to his fame.

In order properly to set forth the narrative of Clay's connection with the people of New Orleans, it is necessary to give briefly a few facts of his career before and during the years when he was such a regular visitor to New Orleans.

Henry Clay was born on April 12, 1777, in Hanover County, Virginia, in a neighborhood called the "Slashes," a term indicating a district or country which abounds in low, swampy ground.² He was the seventh child of nine by the first marriage of his mother, Elizabeth Hudson, who, at the tender age of fifteen married a Baptist clergyman by the name of John Clay.

Henry Clay entertained a strong dislike of the British that was easily understandable. At the tender age of four years with bewildered eyes he had witnessed the raiding of his mother's home by Tarleton's marauding Redcoats who, in their brutal search for booty, went so far as to thrust their swords into the newly-made grave of his father who died in 1781, in the belief that the little mound of earth contained buried treasure. This incident doubtless will explain in some part Clay's fiery advocacy of the War of 1812 which some historians regard as "Henry Clay's War" against the British.³

² Calvin Colton, The Life and Times of Henry Clay (2 vols., New York: A. S. Barnes & Co., 1846), I, 17.

³ Bernard Mayo, Henry Clay, Spokesman of the New West (Boston: Houghton Mifflin Co., 1937), Chapter XIII: "Mr. Clay's War."

Less than a year after his father's death Henry Clay's mother, still an attractive young woman of thirty-eight, remarried to Henry Watkins by whom she had eleven other children.

In 1791 Elizabeth and Henry Watkins decided to leave Virginia and migrate to the new and fertile fields of Kentucky, leaving Henry, who was then fourteen years of age, behind in the Old Dominion.

Henry Clay grew up to young manhood among the great men of the American Revolution. He knew and met many of them and heard from their own lips the story of the Revolution, its causes and their hopes for the new government. Henry Clay had even once heard the immortal Patrick Henry, with the equally famous John Marshall on the same side, argue a case in the Court House of Hanover County at Richmond in May, 1793, when they defended the State of Virginia against a claim for the payment of British debts.⁴

Apropos of Patrick Henry's great talents as a barrister Henry Clay once told this story of him on the floor of the United States Senate during the notable debates on the recharter of the United States Bank: A certain Senator Giles from Virginia, in arguing on the merits of the Bill had, unfortunately, according to Henry Clay, argued on both sides of the question, and Clay, then a Senator from Kentucky, said:

The honorable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook in one instance the side of the cause on which he was retained, and addressed the court and jury in a very splendid and convincing speech in behalf of his antagonist. His distracted client came up to him whilst he was progressing, and interrupting him, bitterly exclaimed—"You have undone me! You have ruined me!" "Never mind, give yourself no concern," said the adroit advocate, and, turning to the court and jury, continued his argument by observing, "May it please your Honor, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may argue on his side. I will now show how fallacious his reasoning and groundless his pretensions are." The skillful orator proceeded, and satisfactorily refuted every argument he had advanced, and gained his cause. A success with which I trust the exertions of my honorable friend will on this occasion be crowned.⁵

⁴ Ibid., 30.

⁸ Annals of Congress, 11 Cong., 3 Sess., 209-210.

Being apprenticed to the celebrated George Wythe, Chancellor of Virginia, Henry Clay soon became enamored of the law. Endowed as he was with natural gifts but with little "book learning," after pursuing the required studies, and being duly examined, he was admitted to the Bar of Virginia on November 6, 1797, his certificate reading significantly, "Henry Clay, Gentleman."

On March 20, 1798, Henry Clay was admitted to the practice of the law in Kentucky. Immediately he began to establish a large and lucrative practice among a bustling, vigorous population as quick on filing lawsuits as they were ready with the trigger of a rifle or pistol. His practice was both civil and criminal. His fame as a successful advocate of defendants in desperate criminal cases has long been a legend in Kentucky. He acted only once as a criminal prosecutor, and, having hanged a poor, unfortunate slave for a murder, which, if it had been committed by a white man would have brought a lesser penalty, forever adjured the role of criminal prosecutor.

Shortly after his arrival in Kentucky Henry Clay made the acquaintance of Colonel Thomas Hart, also a Virginian, a wealthy and influential man, and of convivial habits. Through the patronage of Colonel Hart the young lawyer not only gained a large practice, but acquired a wife as well, for after a brief and ardent courtship, Henry Clay on April 11, 1799, then twenty-two, married Colonel Hart's lively and vivacious daughter, Lucretia, who was eighteen. The wedding was a great social event and it firmly established Henry Clay in law, politics and the society of the best families of Kentucky.

Another daughter of the jovial and wealthy Colonel Hart, Nancy, married James Brown, then one of the ablest lawyers in the West. James Brown figures also very largely in the history of Louisiana, being the first Secretary of the Territory of Orleans, a member of the Constitutional Convention of 1811-1812, then a United States Senator from Louisiana, and later Minister to France under Presidents Monroe and John Quincy Adams. In the Louisiana Historical Quarterly will be found a long series of intimate letters from James Brown to Henry Clay, giving numerous details of their relationship as brothers-in-law, and many glimpses of their family life.

Mayo, op. cit., 44.
James A. Padgett, (ed.), "Letters of James Brown to Henry Clay, 1804-1835," in Louisiana Historical Quarterly, XXIV (1941), 921-1177.

By his mariage to Lucretia Hart, Henry Clay had eleven children consisting of six daughters and five sons. All of the daughters died while young. Susan Hart married Martin Duralde of New Orleans, and died of yellow fever at the age of twenty. Another daughter, Anne Brown Clay, born in 1807, married James Erwine, also of New Orleans. She died at her home near Ashland in 1856. She was the last of the six daughters.

Theodore Wythe Clay, the eldest son, became afflicted with insanity as the result of an injury. Another son, Thomas Hart Clay, was engaged in the hemp business in Kentucky.⁸ It was his failure in this business which involved Henry Clay in great financial loss that he made good by mortgaging his beloved Ashland. It was the anonymous repayment of this loan to the Northern Bank of Kentucky in 1845 by numerous friends of Clay which saved the property for him.⁹ Among those who contributed to the fund were Dr. W. H. Mercer of New Orleans and a Dr. Duncan of Natchez.¹⁰

If some reason is to be sought for a measure of the popularity of Henry Clay in New Orleans it will be found in the assistance he rendered to the Louisiana sugar planters by helping them to protect their infant industry. In 1816 Henry Clay, through one of his famous "compromises," was able to secure a duty of three and a half cents per pound on imported sugar. 11

His record of service as a representative of Kentucky in the Congress of the United States covers a span of forty-six years:

In the Senate: November 19, 1806 to March 3, 1807; January 4, 1810 to March 3, 1811.

In the House: March 4, 1811 to January 19, 1814; March 4, 1815 to March 23, 1821; March 3, 1823 to March 6, 1825.

In the Senate: March 10, 1831 to March 31, 1842; March 4, 1849 to June 29, 1852.

It will be observed further on that Henry Clay was twice elected to the United States Senate from Kentucky while he was visiting at New Orleans, viz: in 1831 and 1849.

⁸ Epes Sargent, The Life and Public Services of Henry Clay down to 1848 [Edited and compiled at Mr. Clay's death by Horace Greeley] (New York: C. M. Saxton, 1859), 319.

Colton, op. cit., I. 44.
 Ethel Hutson, "Henry Clay," in New Orleans Picayune, April 10, 1910.
 Joseph George Tregle, Jr., "Louisiana and the Tariff, 1814-1846," in Louisiana Historical Quarterly, XXV (1942), 32.

During the time of his service in Congress he served as one of the American Commissioners who signed the Treaty of Peace on December 24, 1814, at Ghent, Belgium, which ended the War of 1812 between the United States and Great Britain. When he signed this treaty he did so with reluctance because it seemed to him a "damned bad treaty." However, when he heard of the Battle of New Orleans he said, "Now I can go to England without mortification," which he was required to do in order to sign a commercial treaty contemplated by the Treaty of Ghent.¹²

While John Quincy Adams was President of the United States, Henry Clay served as his Secretary of State. This service was one of the several major political mistakes made by Henry Clay, all of which at one time or another served to defeat him in his consuming ambition to become President of the United States.

There are several gaps in the legislative record of Henry Clay in Congress which are significant in their omissions because of what occurred during the several interregnums.

In 1824 Henry Clay became a candidate for the Presidency for the first time, and was a bad fourth in the contest. Andrew Jackson received 99 electoral votes, John Quincy Adams received 84 votes, William H. Crawford 41, and Henry Clay 37. The electoral vote of Louisiana in that contest was divided, Jackson receiving three and Adams two votes. No Presidential candidates receiving a majority of the electoral votes, the contest was decided by the House of Representatives, and Adams was elected.

It was in this latter contest that Clay threw his support to Adams, and Clay became his Secretary of State. This greatly enraged Andrew Jackson and thereafter he was always the implacable enemy of Clay. Jackson's supporters charged openly that the throwing of Clay's support to Adams was the result of "bargain and corruption," and for the remainder of his political life Clay was constantly plagued with the repetition of this charge.

In 1832 Henry Clay, having in the meantime organized the anti-Jackson political factions, and believing that he could be elected because of the defects and deficiencies of Jackson's first

¹² Carl Schurz, Life of Henry Clay (2 vols., New York: Houghton Mifflin Co., 1888), I, 122-124.

term as President, determined to oppose him. In this contest "Old Hickory" was victorious, receiving 219 electoral votes to 49 for Clay. All of Louisiana's five electoral votes were cast for Jackson. 13

Clay was one of the recognized national leaders of the Whig Party organized in 1834. In 1839 Henry Clay again had hopes that the Whigs would nominate him to run against Martin Van Buren, the protege of Jackson; but, instead, they gave the nomination to William Henry Harrison, and John Tyler received the nomination for Vice President when friends of Clay spurned the nomination to that office for him. Just one month after his inauguration Harrison died, and Tyler became President.

Henry Clay's final race for the Presidency occurred in 1844 when the Whig Party nominated him to run against James K. Polk, the first "dark horse," put forward by the Democrats, and Clay was defeated for the third time. The race, however, was remarkably close, and had it not been for certain grievous errors committed by Clay and the Whig Party he would have won.

Polk's popular majority, nationally, over Clay was only 38,181, but it secured for him a majority of seventy-five electoral votes over Clay. Had the Abolitionists voted for Clay, he would have had a popular majority of 24,119 votes and would have secured 146 electoral votes to 129 for Polk. Typical of the closeness of the race throughout the country was the result in Louisiana. Notwithstanding his great popularity in New Orleans, in this contest Clay lost the electoral vote of Louisiana by the narrow margin of 699 popular votes, due to the remarkably large Democratic vote cast in Plaquemines Parish, known as the "Plaquemines Fraud." The record of the vote cast in Plaquemines Parish in previous elections was as follows: 15

Year	Democrats	Whigs
1840	250	40
1842	179	93
1843	310	
1844	1007	37

The political stratagem which enabled the Democrats under John Slidell to achieve this remarkable result in the Polk-Clay contest was founded on the fact that by an Act of April 10, 1805,

¹³ Edward Stanwood, A History of Presidential Elections (Boston: James R. Osgood & Co., 1884), 112.

¹⁴ Ibid., 158.

¹⁵ Ibid., 159.

the Legislature had divided the Territory of Orleans into twelve counties. The "County of Orleans" was composed of that portion of country lying on both sides of the Mississippi River from Balize, near its mouth, to the "Parish" of St. Charles, including the "Parishes" of St. Bernard and St. Louis. By an Act of February 2, 1825, the State Legislature had divided Louisiana into five electoral districts, the first of which was composed of the Parishes of Orleans, St. Bernard and Plaquemines.

The story of what happened in Plaquemines Parish on election day in 1844 to bring about the remarkable result is best told in the following excerpt from a biography of Clay published in 1858:

The total vote of Louisiana, in the exciting contest of 1840 was 18,912. In that of 1844, it was 26,295! The frauds here were monstrous and palpable. In the single Parish of Plaquemines the vote for Mr. Polk exceeded the whole number of white males of all ages in the Parish, in 1840, notwithstanding the property qualifications exacted of voters. At the investigations afterwards instituted, the steward of the steamboat "Agnes," John Gibney, swore that the boat went down from New Orleans with a full load of passengers, under the charge of Judge Leonard (the great man of Plaquemines); that he himself, a minor, not residing in Plaquemines, being persuaded by the Captain, voted three times at different polls in that Parish—every time for Polk and Dallas. Dr. J. B. Wilkinson, a voter of Plaquemines, swore that he noticed that the polls were opened before the legal hour, and were then surrounded by a crowd of strangers, one of which he ventured to challenge; but, as the clerk reached out the book, the sheriff pulled it away, declaring that nobody would be sworn! After this, the foreign votes went in pell-mell. Alfred Vail, a passenger, and E. Seymour Austin, pilot of the "Agnes," swore to a state of facts within their knowledge, similar to that sworn to by John Gibney. Albert Savage, engineer of the steamboat "Planter," swore that his boat went down with one hundred and forty locofocos from New Orleans, who voted after the fashion above described; but when he offered a vote—it being a Clay one it was refused, the sheriff saying that he would swear him! Paul Cormen testified that he went with other Whigs to vote, but they were deterred by seeing Charles Brulard driven out of the voting room, wounded, bloody, and without his hat, having been beaten by the sheriff for offering a Whig vote! There being a large locofoco mob about the polls, threatening the few Whigs who approached, the latter were obliged to leave save in a few instances, without voting, so that the recorded vote of Plaquemines stoodfor Clay 37, for Polk 1007! The locofoco majority in the state was 699; and if the vote of the Plaquemines precincts had been as at the election of 1843, Mr. Clay would have carried the state.¹⁶

In 1848, at the Philadelphia Convention of the Whig Party, the friends of Henry Clay made a fourth and final effort to have him nominated for the Presidency, but the nomination and subsequent election to that office went to General Zachary Taylor, of Baton Rouge, Louisiana. Clay felt this final defeat most keenly because he declined to put forth any effort to elect Taylor. It was only when friends of Clay at Albany, New York, attempted to repudiate the nomination of Taylor and start an independent movement for Clay, that he finally broke his silence and forbade the use of his name.¹⁷

On March 4, 1849, General Taylor became President of the United States and Millard Fillmore Vice President. Again Henry Clay was the victim of an ironical twist of the unlucky fate that had dogged his efforts to attain the Presidency, because in the following year, 1850, Zachary Taylor died, and Millard Fillmore became the thirteenth President of the United States. The man who loomed so large in the affairs of the growing and expanding young Republic between the close of the American Revolution and the opening clashes of the Civil War was never to achieve the greatest ambition of his life, which he missed by the strangest quirks of politics and fate. It simply was not to be.

In the contemporary newspaper accounts relating to the Clay Monument in New Orleans it was stated that among the reasons assigned for the great regard in which his memory was held by the people of New Orleans was the fact that it was Henry Clay who introduced the Bill in Congress which gave Louisiana statehood. An investigation of the Congressional records fails to substantiate this claim. The Annals of Congress covering Congressional proceedings during the period in which the Territory of Orleans was admitted to the Union as the State of Louisiana do not indicate individual sponsorship of the proposed legislation, nor do the original Bills themselves. Such matters seem to have been referred to committees, which, in turn, drafted and reported out Bills.

17 Sargent, op. cit., 327-328.

¹⁶ Sargent, op. cit., 254; James Kimmins Greer, "Louisiana Politics, 1845-1861," in Louisiana Historical Quarterly, XII (1929), 407-412.

The actual record on the admission of Louisiana seems to be as follows:

The question of statehood for the Territory of Orleans came up in the Eleventh Congress when Senator Giles of Virginia on March 12, 1810, presented a memorial of the Territorial Legislature on the subject of admission as an independent state which should enjoy the same privileges and immunities as the original states.18 This memorial was referred to a committee, and on April 9, 1810, Senator Giles, a member of the committee, "asked leave to bring in a Bill to enable the people of the Territory of Orleans to form a Constitution and State government, and for the admission of such State into the Union."19

Although Henry Clay held a seat in the Senate from January 5, 1810 to March 3, 1811, and in the House from March 4, 1811 to January 19, 1814, the Annals of Congress do not show that Henry Clay took much part in the discussion on the two Bills, which each time originated in special committees.

It was during the discussion on the first of the two Bills, in the House on January 14, 1810, that Josiah Quincy of Massachusetts, objecting to the Bill, made his celebrated threat of disunion, when he said:

I am compelled to declare it as my deliberate opinion, that, if this Bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must.20

On Monday, December 17, 1810, Mr. Julien Poydras, delegate from the Territory of Orleans, presented to the House of Representatives a petition of the Territorial Legislature praying to be admitted as an independent state. This petition was referred to a committee on which Mr. Matthew Clay of Virginia was a member; and they had leave to report by Bill or otherwise.21

Thereafter, on December 27, 1810, House Bill No. 15, by Mr. Macon of the committee, presented a Bill to enable the people of the Orleans Territory to form a Constitution and State government. The Bill was then read twice and referred to the Committee of the Whole for the following Monday.22

¹⁸ Annale of Congress, 11 Cong., 1 & 2 Sees., 596.

19 Ibid., 648.
20 Ibid., 11 Cong., 3 Sess., 525; Charles Gayarré, A History of Louisians (4 vols., New Orleans: Armand Hawkins, 1885), IV. 250.
21 Annale of Congress, 11 Cong., 3 Sess., 413-414.
22 Ibid., 466.

This Bill, approved February 20, 1811, became "An Act to enable the people of the Territory of Orleans to form a Constitutional and State government, and for the admission of such State into the Union, on an equal footing with the original States; and for other purposes."23

The Constitution, drafted by convention in the Territory of Orleans, was transmitted to Congress by President Madison on March 12, 1812, and was then committed to a select committee composed of Messrs. Dawson, Macon, Troup, Johnson, Findlay, Bigelow and Potter.24

Mr. Dawson, from the committee, appointed on the message of the President, on March 15 presented a Bill, (H. B. 87, 12th Cong., 1st Sess.,) for the admission of the State of Louisiana into the Union.25 This Bill, approved April 8, 1812, became "An Act for the Admission of the State of Louisiana into the Union."26

On March 27, 1812, Mr. Bayard in the Senate, from the committee appointed to consider the subject, reported a Bill to enlarge the limits of Louisiana, to include the Florida Parishes.27 This Bill, approved April 14, 1812, became "An Act to enlarge the limits of the State of Louisiana."28

During his long and eventful career Henry Clay fought three duels. The first was as a young man with Colonel J. W. Davis, his opposing counsel in a lawsuit.29 His next experience with the code duello was with Humphrey Marshall, a fellow member of the Kentucky Legislature, in which both Clay and his opponent were slightly wounded.30 His last and most notable encounter was with the famous and eccentric John Randolph of Roanoke, Virginia. The preliminaries for the duel, between the giving of the offense by Randolph and the actual meeting, occupied an entire week. The duel took place on Saturday, April 8. 1826, at the hour of 4:30 P. M. on the soil of Virginia, near Washington. Neither antagonist was wounded, although Clay shot a hole through the tail of Randolph's coat. Senator Josiah Stoddard Johnson of Louisiana was Clay's second in the duel. The story of this affray has been related with remarkable fidelity

²³ Ibid., 1826-1828.

²⁴ Ibid., 12 Cong., 1 Sess., 1155-1156. ²⁵ Ibid., 1210.

²⁶ Ibid., 2264-2266. 27 Ibid., 182.

²⁸ Ibid., 2270.

²⁰ Schurz, op. cit., I, 34. 30 Sargent, op. cit., 30.

and minuteness of detail by Senator Thomas Hart Benton of Missouri, who concludes his remarkable account of the matter with this statement: "It was about the last high toned duel that I have witnessed—and so happily conducted to a fortunate issue." 31

In after years, speaking to his constituents on the subject of his duels, Henry Clay made it plain that he had no heart in the practice of dueling, and no one abominated the custom more than he, stating: "I owe it to the community to say, that whatever heretofore I may have done, or by inevitable circumstances might hereafter be forced to do, no man holds it in deeper abhorrence than I do—that pernicious practice, (of dueling)."³²

John Randolph, unlike Andrew Jackson, recognized that Henry Clay was a great statesman whom he really admired. At the time that the battle of Nullification was on, in the contest between John C. Calhoun and Andrew Jackson, it was John Randolph who remarked, "There is one man and only one that can save the Union; that man is Henry Clay." And so it was that Henry Clay by his Compromise Tariff of 1833 saved the Union from the application of the doctrine of Nullification launched by Calhoun.

On March 2 or 3, 1833, Randolph, in the last stages of consumption, came to Washington, on his way to Philadelphia seeking medical aid, where he finally died. He came to the Senate Chamber, unable to stand or walk without assistance. The Senate was in session by candlelight, and Henry Clay had risen to make some observation on the Compromise Tariff Bill then under consideration. Randolph was stretched out on a sofa, and calling to his half-brother, he said: "Help me up—I have come here to hear that voice once more." When Henry Clay later learned of Randolph's presence, he came over to his old antagonist who was soon to die, and they cordially shook hands.³⁴

In striking contrast to this incident was the unrelenting and bitter attitude expressed by Andrew Jackson on the final night that he spent in the White House as the guest of Martin

³¹ Thomas H. Benton, Thirty Years View, or, A History of the Working of the American Government for Thirty Years, from 1820 to 1850 (2 vols., New York: D. Appleton & Co., 1856), I, Ch. xxvi.

³³ Sargent, op. oit., 31.

²³ Joseph G. Baldwin, Party Leaders; Sketches of Thomas Jefferson, Alexander Hamilton, Andrew Jackson, Henry Clay, John Randolph of Roanoke, Including Notices of Many Other Distinguished American Statesmen (New York: D. Appleton & Co., 1855), 25.

⁸⁴ Sargent, op. cit., 120; Schurz, op. cit., II, 22.

Van Buren, his successor in the Presidency, when Jackson told Senator Benton and a few other close friends who were present that he had two principal regrets in leaving office—namely, that he had never had an opportunity to shoot Clay or to hang Calhoun.³⁵

While Henry Clay's enemies denounced him as a pretender, a selfish intriguer, and an abandoned profligate, his supporters, on the other hand, placed him among the sages and saints. He was called by some merely an arranger of measures and a leader of political forces, not an originator of ideas and systems. This his friends and admirers denied, and they pointed with some success to his undeniable share in the historic events of his time.

Horace Greeley, in writing a preface to the biography of Henry Clay completed previously in 1848 by Epes Sargent, and issued by Greeley in 1858, penned this estimate of the character of Clay:

We Americans of 1852—are the heated partisans or the embittered opponents of Henry Clay—with him or against him, idolizing or detesting him—He has been our demi-god or demon through the last quarter of a century, while many of us date our admiration or our hostility from the year 1812. . . . We may properly remit to the next generation the duty of analyzing the facts, and determining what manner of man was the Orator of Ashland and whose voice enchained and wielded listening Senates, and whose weaponless hand was mightier than the truncheon of generals, or the scepter of monarchs. It is at least the duty of his surviving friends to take care that he is not misrepresented to and undervalued by posterity.³⁶

If anything, Henry Clay possessed not only many of the virtues that are admired, but many of the frailties which most of us tolerate or condone in others because they are so typical of many of us. He liked, for instance, to eat sumptuously and to drink freely. He liked to play cards and to gamble heavily, but only for social reasons. In his early youth in Kentucky, Henry Clay would enjoy all-night frolics, and yet with an hour's rest could appear in the highest court of the State and argue a case for twelve hours and win it. Towards the end of one of these nocturnal parties with some of his brother lawyers on

²⁵ Claude G. Bowers, Party Battles of the Jackson Period (New York: Houghton Mifflin Co., 1922), 480.

²⁶ Sargent, op. cit., 4.

Circuit, Henry Clay announced his intention of bringing the night's festivities to an appropriate conclusion by executing a solo dance on the dining table, which he proceeded to do, to the wild acclaim of his companions, and the shattering of many plates and glasses for which he was presented next morning with a bill of one hundred and twenty dollars by the proprietor of the tavern.37

While he yet lived there came into print several biographies and volumes of his collected speeches, issued by men who not only knew Henry Clay personally, but who were afforded the opportunity of access to his files of correspondence, and who were also favored with a review by him of the written results of their work. Horace Greeley, in his introduction to his revision of Sargent's Life of Clay, issued in 1858, is authority for the statement that "Mr. Clay himself gave the preference, among all the narratives which had fallen under his notice, to that of Epes Sargent, first issued in 1842."

When the cornerstone of the Clay Monument was laid in 1860, there was included among the articles deposited in the usual copper box placed therein, a copy of Colton's Life and Times of Henry Clay, published in 1846. In his introduction to the work Colton makes this statement:

The author has used Mr. Clay's papers, and correspondence entirely at his own discretion, and Mr. Clay has been equally ignorant, as the public, as to what parts of those documents were used, or for what purpose, till the work was stereotyped and submitted to him in the printed form, with the request, that he would point out any errors he might discover.38

Undoubtedly these two authors are the best sources from which to secure an accurate picture of the man whose life and times they were writing for posterity under his very supervision. In one particular they differed—the color of his eyes. As to his hair, Henry Clay himself is authority for the statement that he was "white haired."39 Here is Colton's pen portrait of the great statesman:

Mr. Clay is a tall man, six feet and one inch; not stout, but the opposite; has long arms, and a small hand; always erect in standing, walking, or talking; in debate, still more

³⁷ Mayo, op. cit., 204. ³⁸ Colton, op. cit., I, 6.

³⁰ Mayo, op. cit., 28.

erect; has a well-shaped head, and a dauntless profile; an uncommonly large mouth, upper lip commanding, nose prominent, spare visage, and blue eyes, electrical when kindled; forehead high, sloping backward in a curvilinear line, that bespeaks the man; his hair naturally light, and slow to put on the frosts of age; withal, displaying a well-formed person, and imposing aspect, with which, it is supposed, an amateur or connoisseur in human shape and countenance, would not be likely to find much fault. . . .

In manners, few men, if any, have been more happy, than Mr. Clay. Naturally endowed with great self-possession and ease, displaying a commanding person, an eloquent countenance, a condescending mien, affability, dignity, deference, general courtesy, and having a quick discernment of character. . . .

The voice of Mr. Clay has been one of great melody, compass, and power. With a foundation of low bass, deep and strong, it has been capable of rising to the sharp falsetto, every note in the scale musical and far-reaching.... The penetrating character of Mr. Clay's voice has been considered remarkable.... Spectators in the galleries of the senate-chamber, have often heard his private talk..., while another senator was making a speech.⁴⁰

Next we have the delineation of Clay sketched by Epes Sargent ten years before Clay's death:

In stature, he is tall, sinewy, erect, and commanding, with finely formed limbs, and a frame capable of much endurance. From his features, you might at first infer that he was a handy backwoodsman, who has been accustomed rather to the privations and trials of a frontier life, than to the arena of debate and the diplomatic table. But when you first meet his full, clear gray eyes, you see in them flashes of the conscious power a well-trained and panoplied intellect. Its lustre gave animation to the whole countenance. Much of the charm of his speaking lies in his clear, rotund, and indescribably melodious voice, which is of wide compass, and as distinct in its low as in its high tones. The effect of it, when a passion is to be portrayed, or a feeling of pathos aroused, is like that of a rich instrument upon the ear. . . . Nothing could be more felicitous than Mr. Clay's personal manners and address. They convey to everyone the conviction that he is a true man—that there is no sham about him and his professions. Frank, affable, natural, and communicative, he was without assumption, as much at home among European potentates as amongst his own constituents at a barbecue. . .

^{. 40} Colton, op. cit., I, 60, 63.

In his tastes and habits of life, Mr. Clay is remarkably simple and unostentatious. He is an early riser, and methodical and industrious in the disposition of his time. His punctuality is proverbial. In his domestic and social relations, no man could be more strictly honorable and blameless than Mr. Clay. The charge has been made that in his early life he frequently visited the gaming table, and it is admitted that this was true—not for the sake of the money, but for the sake of the company and the excitement. He never played at a public table or gaming house. Never to his knowledge was a pack of cards seen at his home—Ashland.⁴¹

Henry Clay himself had by no means been indifferent to the fame he would leave behind him. Nine months before his death he made the following suggestions concerning the inscription to be placed on a gold medal to be struck in commemoration of his services:

Senate, 1806.
Speaker, 1811.
War of 1812 with Great Britain.
Ghent, 1814.
Spanish America, 1822.
Missouri Compromise, 1821.
American System, 1824.
Greece, 1824.
Secretary of State, 1825.
Panama Instructions, 1826.
Tariff Compromise, 1833.
Public Domain, 1833-1841.
Peace wth France Preserved, 1835.
Compromise, 1850.42

These were the salient points of his career by which Henry Clay desired most to be remembered. There were other notable incidents in his record both in and out of Congress, but Henry Clay wisely chose to forget them.

CHAPTER II

Notwithstanding the varied and colorful public career of Henry Clay, it is interesting to observe that whenever he came to New Orleans on any of his numerous visits he exercised great care to make it plain that he came to the City only to visit members of his family who lived here, to sojourn in the mild winter

⁴¹ Sargent, op. cit., Ch. xxix.

⁴² Schurz, op. cit., II, 407.

climate where he could see and meet his many friends, and also to enjoy the delights of the numerous social events which enlivened the City when the dread "yellow jack," so prevalent in summer, was gone.

The newspapers of those early days abound with glowing recitals of the innumerable social affairs—the races, dinners, balls, theatrical entertainments, and other forms of amusement too numerous to mention. The great names of the stage of those early days will be found in almost every edition, actors such as James Wallack, Junius Brutus Booth, Mr. and Mrs. Edmund Kean, James Murdock and William Macready, and such musical stars as Calve, Sevori, Hertz, Ole Bull and many others.

In addition to his two daughters who lived here, Susan, wife of Martin Duralde, and Anne Brown, wife of James Erwine, Henry Clay had a brother, John, somewhat of a wild and extravagant chap, who migrated to New Orleans in 1800, and there became "an Orleans merchant of steady habits, industry, and obliging temper." 43

After his daughter, Mrs. Duralde, had died in early youth, Henry Clay continued to visit New Orleans mainly because he was of a convivial nature, and because he had many close friends among the leading public men of New Orleans who were his ardent political supporters. Strangely enough, the greater part of the State was anti-Whig and strongly Jacksonian. The Daily Picayune and the Bee were Whig, while the Courier was Jacksonian. Mobile was likewise a center of admiring friends and followers of Clay. This was also true of Baton Rouge.

The earliest recorded entry in the local press of mention of Henry Clay's visits to New Orleans is brief and somewhat notable in its reticence: "The Honorable Henry Clay, Speaker of the House of Representatives, and the Honorable Henry Johnson, our Senator in Congress, arrived a few days ago at this place."

Before making his initial visit to New Orleans, Henry Clay, on January 8, 1819, in the House of Representatives at Washington, had delivered a scathing attack on Andrew Jackson's conduct in his famous Seminole War commenced by him in December, 1817. During the course of his remarks Clay bitterly ar-

⁴³ Mayo, op. cit., 134-136; Padgett, loc. cit., XXIV, 924.

⁴⁴ New Orleans Courier, May 5, 1819.

raigned Jackson for hanging Indian chiefs without a trial, and for executing Arbuthnot and Ambrister, two white men. Clay utterly rejected the argument by which Jackson tried to justify their deaths.45 This was the commencement of the bitter and unending ill feeling between these two noted men.

Something of the enmity existing between them seems to have pervaded the dinner tendered to Henry Clay by the local citizens of New Orleans on May 18, 1819, and is apparent from this quaint paragraph of the Courier's account of the affair:

Judge Matthews acted as President and Mr. Michael Fortier as Senior Vice-President, notwithstanding it might be said that none but the enemies of Gen. Jackson would join in the compliment, when it was observed that one third of those present were warm admirers of the General.

The object of the reunion was not to pay a compliment to a member of Congress who had opposed the General's conduct in the Seminole War, but to show the Representatives of the nation how much the people of Louisiana are gratified for his exertions to maintain the integrity of the American Government.46

Henry Clay, undoubtedly, was fully sensible of this situation because when he arose to speak in reply to the toast assigned to him, after some complimentary remarks, he said: "My visit to this State has no public object, but has been made from private considerations only. It has been undertaken from a wish long entertained, to see some highly esteemed relations and friends."47

He then referred to the late War of 1812, and the Peace Treaty which followed at Ghent, and in which he had taken a leading part in blocking the attempt of the British to reaffirm their right to navigate the Mississippi River as provided in the Treaty of 1783, thus preserving the free and unhampered navigation of the river to the American people. He then referred to the Battle of New Orleans by saying:

You have, Louisianians, aided by patriotic men from Tennessee and from Kentucky, and led by the gallant Jackson, furnished this glorious event on the ever memorable 8th of January. That illustrious day left acceptance of the peace which otherwise would have been cold and cheerless, without mortification.48

⁴⁵ Schurz, op. cit., I, 152-153; (Anonymous), Life and Speeches of Henry Clay (2 vols., Philadelphia: Leary & Getz, 1853), I, 110.

46 New Orleans Courier, May 21, 1819.

47 Ibid.

⁴⁸ Ibid.

Nothing further is revealed in the columns of the press as to how long Henry Clay remained in New Orleans on this visit, or what else occurred. He was then forty-two years of age.

Twelve years later Henry Clay returned for his second visit. Between the date of this first visit, and his return in 1831, many important things had happened to him. In 1824 he had made his first unsuccessful try for the Presidency against Jackson, Adams and Crawford, which resulted in Adams becoming President and Clay his Secretary of State, the results of which, however, only served to increase the ill feeling already existing between Jackson and Clay. Louisiana had failed to cast its electoral votes for Clay, giving three for Jackson and two for Adams.

According to one of his biographers the purpose of this second trip was in order to visit one of his married daughters; ⁴⁹ but, according to the politically hostile *Courier*, the visit had an entirely different object:

FROM WASHINGTON.—A private letter, upon which reliance may be placed, states that intelligence has been received at Washington that Mr. Clay has already set out for New Orleans, with a view of assisting his friends in the election of a National Senator, which is to be made by the legislature of the State at the ensuing session. This writer suggests the propriety of defeating his machinations by the taking up of a candidate of French descent, on the part of the friends of the administration. [i. e., Jackson.] It is also said at Washington that there is no longer the least doubt that Mr. Clay himself will be a candidate for the National Sénate from the State of Kentucky. The friends of the administration both here and there, must see to it. 50

Notwithstanding the ungracious hopes of the *Courier*, it appears that Henry Clay was successful, for in the Spring of 1831 the Kentucky Legislature elected him to the United States Senate over Richard M. Johnson, by a vote of 55 to 45.51

On January 7, 1831, the Louisiana Legislature convened at Donaldsonville, and on January 10 re-elected Josiah Stoddard Johnston to the United States Senate.⁵² Inasmuch as Henry Clay travelled to New Orleans by river steamboat, it is quite probable

⁴⁹ Sargent, op. cit., 133.

⁵⁰ New Orleans Courier, December 29, 1830.

⁸¹ Sargent, op. cit., 134.

⁵² New Orleans Courier, January 11, 1831.

that he stopped off at Donaldsonville long enough to fulfill the prophecy of the *Courier* by assisting his friends in the re-election of Senator Johnston, because the *Courier* reports the arrival of Henry Clay at New Orleans two days later: "The Hon. Henry Clay with his family arrived at this City, this morning, in the steamer Daniel Boone, from Louisville, and has taken lodging at the house of his son-in-law, Martin Duralde, below the city." ⁵³

According to the City Directory of 1832, Martin Duralde resided at 147 Royal Street. A few days later the Courier noted simply in its columns that "the Hon. Henry Clay and his family have accepted the invitation of the Manager of the American Theatre to attend that house this evening." 54

The Courier being politically hostile to Henry Clay was apparently not very keen about reporting details of his visit. Later, when the loyal Daily Picayune came into existence in 1837, there are more particular and laudatory accounts of Mr. Clay and his movements. Therefore, the duration of Mr. Clay's visit on this second occasion is unknown; and the only other entry to be found in the Courier appeared on March 9, 1831, when it rather caustically noted that "Mr. Clay has ceased from making War, Pestilence, and Famine speeches." In the following year of 1832 Mr. Clay made his second try for the Presidency against Jackson and was soundly beaten. Louisiana this time cast all of her five electoral votes for Jackson.

Twelve years after his second visit, Henry Clay in 1842 returned for a third time in order to visit his family and friends in New Orleans. As before, many stirring incidents had figured in Clay's career during this period of his absence from the City.

On this occasion Mr. Clay was reported to "have private business in New Orleans where some of his near relatives reside," but, according to another of his biographers, this particular journey was one "combining business with politics." This trip of Henry Clay to New Orleans preceded his final try for the Presidency in 1844 against James K. Polk, and there is some basis of fact to support the assertion that politics did play some part in the visit.

The first notice which came to public attention that Henry Clay was again to honor the City with his presence was some-

⁵³ Ibid., January 12, 1831.

⁸⁴ Ibid., January 24, 1831.

⁸⁸ Sargent, op. cit., 214.

⁸⁶ Schurz, op. cit., II, 241.

what in the nature of an admonition because, after announcing the fact of his visit, his staunch supporter, the *Daily Picayune*, went on to express the hope "that all parties will lay aside their prejudices on the forthcoming visit of Mr. Clay."⁵⁷

Then came the very cordial invitation to all parties to meet the distinguished visitor, extended by Judge Alexander Porter:

During the stay of Henry Clay in Attakapas he will "put up" at the residence of his friend Judge Porter. The Judge invites those of all parties who have any desire to see his guest to visit him at his house, and assures them, but in other words, that the latch-string will be found hanging out.⁵⁸

The home of Judge Porter referred to is today known as Oakland Plantation, near Franklin, Louisiana. There remain today, it is stated, a number of features of the house which were there when Henry Clay visited it, including a large hewn marble bathtub used by the honored guest.

Clay's arrival at New Orleans coincided with the opening of the brilliant winter season of 1842-1843. Added to all this was the attendant excitement of the Christmas time. Clay's arrival coming at this season of the year served to heighten the pleasurable anticipation of everyone as he stepped from the steamer Luda. Here is how the press reported the event:

By the time this paragraph will fall beneath the eye..., the whole town will be keenly alive with the excitement of Mr. Clay's arrival. Already our hostels are overrun with strangers who have chosen the period of the sojourn here of the gallant Kentuckian for a visit to our city. Yesterday morning the Mobile delegation came over and . . . took lodgings in a body at the St. Charles. Business of all kinds is anticipated or postponed, with a view of having leisure to . . . welcome Mr. Clay. . . . All men of all parties talk with enthusiasm of his arrival, and he will be received amidst the roar of artillery and the earnest shouts and plaudits of assembled thousands. . . . ⁵⁹

On the first page of the *Daily Picayune*, in the place of honor, was the program of the ceremonies for Clay's arrival, which included the names of the various military and civic units and their order in the parade, concluding with an order for a salute of one hundred guns.

⁸⁷ New Orleans Daily Picayune, Nov. 26, 1842.

⁵⁸ Ibid., December 2, 1842.

⁵⁹ Ibid., December 22, 1842.

In striking contrast to the quiet and unobtrusive entry which Clay had made on his previous visits, the excitement and enthusiasm evoked by his arrival on this occasion exceeded all expectations, and leaves the strong impression that the people of New Orleans felt that they were about to receive a man whom they not only greatly admired, but who gave strong promise of becoming the President of the United States at the next Presidential election, in 1844. Here is how the *Picayune* reported the joyous receptions accorded to the distinguished visitor:

RECEPTION TO HENRY CLAY

From breakfast hour until noon yesterday the citizens were gathering in throngs upon the Levee, to witness the arrival and landing of the honored statesman of the West in New Orleans. At half past 9 the Grey Eagle slipped out of her berth, crowded with passengers, and after a turn in the river led the way up stream, followed by the Great Western, Henry Clay, Phoenix, &c., all likewise thronged with citizens, eager to observe the meeting of the convoy with the Luda, on board of which boat the distinguished guest of the city, attended by the deputation, was expected. . . . About two miles above the city the Luda was discovered approaching, and in a few moments the boats were within hailing distance of each other, when a long succession of greeting and answering cheers went up to the welkin, breaking upon the stillness of the plantations near with singular and imposing effect. The boats then swept round, letting the Luda drop into the van, while the other steamers followed as directed in the published arrangements of the day.

While this movement was taking place, the high white front and uncovered iron-grey head of Kentucky's gallant son was recognized on the hurricane deck of the Luda. Then again a round of hearty and prolonged cheers arose, responded to by bows from the veteran orator of the West. Guns were fired from many of the ships in port as the boats moved from the Levee, and a still more lively salute was resumed when the Luda and her train floated down past the city. Com. Moore, in a high spirit of naval courtesy, spoke a loud welcome to the city's guest with 17 guns from the ship Austin, a like number being also fired from the brig Wharton, as the cortege turned at the lower end of the city, and swept across the Algiers shore. The spectacle at this moment was more full of the grand and picturesque than at any other time during the morning. Regular and hearty cheers were given from the Texan vessel of war as the Luda passed, first from the officers on the quarter deck, and next from the sailors grouped in the bow. During all this, guns were firing from

various parts of the city—from the *Place d'Armes*, the front of the customhouse, the head of Poydras street, &c., while the reverberating echoes of Algiers displayed a spirited emulation to join in the honors of the occasion.

As the Luda neared the city the magnificent new Missouri rounded out of her berth, with her boiler and hurricane decks densely covered with spectators, and beautifully completed the aquatic train by falling into a position in the rear.

About noon Mr. Clay was landed and conducted to a seat in a barouche and four prepared for him, upon which the procession then in waiting in Poydras street and on the Levee fell into the order of march as set forth in the programme. It was a dull, chill, misty morning, but as the Louisiana Legion turned into Camp street, some cheering beams shot through the opening clouds, giving a momentary promise of brighter weather for the rest of the day; the sunshine, however, was of but short duration, and the sky resumed its gloomy cast again. Nevertheless everybody was out to witness the pageant, and windows and balconies in all the streets through which the procession moved were filled with fair forms and beautiful faces, all eager with hands and handkerchiefs to convey a cordial welcome to the old statesman.

It was about 2 o'clock when Mr. Clay was set down and received at the house of Dr. Mercier, in Carondelet street. He soon made his appearance on the balcony, and remained standing, uncovered, while the procession passed on in review beneath. The whole affair was conducted in skilful regularity and order, reflecting much credit upon the marshals and those in charge of the proceedings.

Mr. Clay seems in firm and florid health, that kind of health which has been described as "frosty, but kindly," and wishing him long continued happiness and usefulness, we frankly bid him welcome to New Orleans.⁶⁰

Dr. Mercer's home at this time was on Carondelet Street, at or near the corner of Hevia (Lafayette) Street.

It was during this visit of Henry Clay that there appears mention for the first time of the activities of the New England Society of New Orleans, which was organized on March 24, 1842, with Judge Henry Adams Bullard as its first president. This little-remembered organization had for its purpose the perpetuation of the memory of the Pilgrim Fathers who landed on Plymouth Rock, and the cultivation of friendship among their descendants who had emigrated to New Orleans. The Society

⁶⁰ Ibid., December 23, 1842.

held its annual reunion on December 22, which was approximately the date when the voyagers on the *Mayflower* in 1620 landed on the cold and rocky, but friendly, shores of New England.⁶¹

Giving Henry Clay no rest from the fatigue of his journey, the New England Society, on the night of December 22, held its first anniversary banquet, and had him for its guest of honor.

The first anniversary of the New England Society of Louisiana was commemorated last evening by a public dinner at the St. Charles Exchange Hotel. . . . The great Kentucky Statesman honored the society with his presence, and we are compelled to say, did more than any one else to recall members to the real objects of the association. In this he was assisted most felicitously by Judge Porter and Judge Chinn, of our own state. . . . 62

This affair was closely followed by the announcement that for Christmas night, "An invitation has been sent to Henry Clay, by the managers of the Orleans Theatre, tendering him a private box if it should please him to attend the theatre this evening." It is not known whether Mr. Clay accepted the invitation, but it is stated in the press of the same date that he attended a Ladies' Fair at the St. Louis Hotel on Friday, December 23, at which he was handed a package of letters, among which was a poem addressed to "Harry of the West." ⁶³

On December 28 the Bar Association of New Orleans, through a committee composed of John R. Grymes, Adolphe Mazureau, George Eustis, Pierre Soulé, Isaac T. Preston, Christian Roselius, Levi Pierce and Judah P. Benjamin, extended a most cordial invitation to Clay to be its guest of honor at a banquet of the Association to be held shortly thereafter.

Because the members of the committee were not only his close personal friends, and most if not all of them were prominent Whigs and brother lawyers, Henry Clay found it difficult to decline the invitation, which, however, he did by a courteous letter dated December 30, 1842, in which he informed them "that when he left home on the journey which brought him here he had formed a decision to decline all public entertainment, and while he regretted it he could make no exception in this case."

⁶¹ Edward Channing, A History of the United States (6 vols., New York: Macmillan Co. 1905-1925), I, 306-307.

New Orleans Daily Picayune, December 23, 1842.
 Ibid., December 25, 1842.

Why it was necessary to make public the exchange of communications is not made clear, but the letters appeared in the Daily Picayune on the same day that another incident occurred which caused considerable excitement not only to the legal fraternity. but the public as well.64 It was quite obvious that his admirers in New Orleans were not willing to give Henry Clay a rest; and this tendency remains true in modern times, for the generous hospitality of Orleanians is proverbial.

Undoubtedly Henry Clay was greatly pleased at the announcement that the Legislature meeting in New Orleans on January 9, 1843, had elected his close personal friend. Judge Alexander Porter, to the Senate of the United States. 65 At the time Henry Clay was visiting Baton Rouge via the steamer "Luda," where he was presented with a fine saddle.66 On January 17, he paid a visit to the State House, then on Canal Street between Baronne and University Place, where he was entertained in the Senate. 67 Whatever spare time he had left for himself, Clay gave to the artist Moise who painted his portrait. 68 What became of this painting is not known, but there hang today in the Council Chamber at the City Hall two very large paintings. one of Henry Clay and the other of William Henry Harrison. painted in 1840 by the artist William Trevor Fowler, at the request of the Whigs of New Orleans.69

While there may have been some foundation to the intimation that Clay's visit on this occasion had a "political tinge." it remains true, nonetheless, that he had a strong personal and private reason for his visit to the City at this time.

Henry Clay and James Brown were brothers-in-law, the two having married daughters of Colonel Thomas Hart. 70 Writing to Henry Clay from New Orleans on March 12, 1805, James Brown, who like Clay was also a lawyer, gives this illuminating description of his success in their common profession, and of his country home which Clay was subsequently to visit whenever he came to the City:

I stand at the head of my profession and am employed in every important case, whilst Lawyers of respectability who cannot speak French or Spanish are left without the means

⁶⁴ Ibid., January 4, 1843. 65 Ibid., January 10, 1843. 66 Ibid., January 14-21, 1843. 67 Ibid., January 17, 1843. 68 Ibid., January 31, 1843. 60 Ibid., February 13, 1843.

⁷⁰ Padgett, loc. cit., XXIV, 923; Mayo, op. cit., 92.

of a decent support. In a few months our Courts will close and I shall retire to a beautiful farm I purchased about 24 miles above the City. This Tract has 150 acres of cleared land, and a house 75 by 140. . . . You may sit down and tax your fancy to the extent of her power which I know are fruitful and she cannot create such a Country as borders on the Mississippi. ⁷¹

The location referred to by Brown, on what is known as the "German Coast," is roughly in the vicinity of Destrehan, on the east bank of the Mississippi River.

In 1816 Brown sold a third interest in this sugar plantation to J. B. Humphreys, a nephew of Mrs. Brown, and entered into a partnership with him for ten years. During the period between 1826 and 1830 Brown sold to Humphreys an additional one-sixth of the plantation, making Humphreys' interest a moiety, or one-half. This latter agreement was executed on May 14, 1830, and the act of sale stipulated that Humphreys was to pay \$18,000 for this one-sixth part of the plantation, out of the revenues of the place, or, if not so paid by January, 1834, Humphreys was then to pay the balance direct. Of the purchase price in question Brown received but half.

On July 3, 1829, Mrs. Brown made a will in which she bequeathed to John B. Humphreys "all my interest in [my] sixth part of the estate on the German Coast, in Louisiana, and do authorize and request my husband to make him a deed for the said sixth part, so that he may hold the said German Coast estate as a partner, equal joint proprietor with my husband."⁷² Mrs. Brown also provided in her will that in the event of her husband's death her interest in the estate should descend to her brothers and sisters, which, of course, included Mrs. Henry Clay. Mrs. Brown died on October 20, 1830.

After the death of James Brown his testamentary executor, Isaac T. Preston, brought suit against the heirs of John B. Humpherys to recover the balance of \$9,000 due by Humphreys to Brown for the one-sixth of the property. The lower court decided in favor of the Humphreys heirs, holding in effect, that by the will of Mrs. Brown the unpaid balance of \$9,000 had been remitted. Henry Clay then appeared in the case before the Supreme Court of Louisiana and argued that this was not so because, as he stated, Mrs. Brown's portion of the estate was

⁷¹ Padgett, loc. cit., XXIV, 924.

^{72 &}quot;Preston vs. Humphreys," 5 Robinson, 299.

\$26,000, and divided into six parts this gave each of her relatives but a little over \$4,000, and by the construction contended for by his opponents the heirs of Humphreys received not only a *clear title* to the one-sixth of the land, but the *remission* of an established debt of \$9,000 as well.

Because he had not been present for the trial in the lower court, and in order to prepare himself for his argument in the case, Henry Clay found it necessary to visit the Supreme Court to examine the record in the case before the day of the argument. What happened on this occasion is told with considerable restraint in the press next day, but the incident which then occurred set the court room in an uproar because everyone present believed it was an attempt on the life of the distinguished visitor:

No little excitement was created in the Supreme Court yesterday morning by the firing of a pistol, and at a time while the Hon. Henry Clay was in the room.

It seems that the pistol was fired by a crazy Frenchman, whose only motive was to attract attention. The ball—for the pistol was loaded with a bullet—was lodged in the ceiling of the court room, and as the place was full of people at the time created a tremendous sensation. At first it was supposed that the pistol was pointed at some person in the room; but on investigating the matter, and interrogating the party who fired it, it was found that he had no other aim than to attract attention as we have already stated.

The crazy man, who was immediately arrested and taken before Recorder Bertus, made a long and incoherent speech when interrogated as to the cause which induced him to the rash act. . . .

The poor fellow, for he evidently did not know what he was about all the while, was finally given in charge of an officer who will take care of him until the Attorney General investigates his case. He is well known to many of our citizens for his many harmless eccentricities—no one, so far as we can learn, believes that he intended to harm any one yesterday.⁷³

This bizarre happening not only aroused the interest of the members of the Bar, but the entire citizenry, because when Henry Clay came before the Supreme Court some days later in his private capacity of a visiting lawyer to argue his case the court room was crowded to capacity, all waiting to hear the magic

⁷³ New Orleans Daily Picayune, January 4, 1843.

tones of his marvelous voice, and to witness the spectacle of his undeniable forensic skill as a barrister. The ever-faithful *Picayune* reports the scene thus:

HENRY CLAY IN THE SUPREME COURT

This eminent orator and statesman appeared yesterday in his professional capacity before the Supreme Court, and, as had been anticipated, attracted a crowd of listeners, or parties who would be listeners, which all the courts in the city, if thrown into one vast edifice, could not contain. They formed a great compressing machine, from whose too ardent embrace none escaped but those who were fortunate enough to obtain seats within the bar. We arrived too late to be of that number, and had, therefore, to go through "the mill."

... We had no opportunity of taking notes of Mr. Clay's speech; our notice of it is, therefore, from memory. It was comparatively brief, and, as he adhered closely to the question before the court, there was but little room left for forensic declamation, and but little was indulged in. . . .

Mr. Clay, on rising, thanked the Court for the privilege of being permitted to address it; he thanked the gentleman on the other side (Mr. T. Slidell) for the courtesy with which he had spoken of him when arguing his case, and he thanked the bar of New Orleans in general—signal for its talent and distinguished for its ability-for their uniform politeness to him. A case of imperative importance induced him to appear before the Court—his clients were his relatives; some of them were widows, some of them were orphans, and the interest he felt for their rights urged him into the presence of the Court. He should have felt a delicacy, too, in appearing, from his want of a knowledge of the peculiar civil code of laws of Louisiana, but that he knew this case was governed by general principles with which all lawyers must be familiar—by common sense principles, which are recognized throughout Christendom. As he had always found that a full and clear knowledge of the facts of a case formed the most important part of the pleadings, he would relate those in this case to the Court. This he did with great succinctness. [Clay held that the intention of Mrs. James Brown, in her will, was to secure to her nephew, John B. Humphreys, the legal title to the one-sixth of the estate not to release a debt due by Humphreys to James Brown, her husband.] He well remembered when Louisiana was admitted into the Union, and the anxiety with which that event was regarded by men of all parties. He was then a member of the House of Representatives in Congress, and he well remembered with what a thrill of doubt he looked on the policy of the measure; he feared that difference in descent, difference in language, and difference in religion, would give rise to clashing and conflicting interests, which would lead to lamentable consequences; but he thanked God, the result has dispelled all such apprehensions, and the most perfect harmony pervades both races.

After again thanking the bench and the bar for the courtesies extended to him, he sat down.⁷⁴

The Supreme Court was evidently impressed with the logic of Henry Clay's argument because in July, 1843, it overruled the judgment of the lower court and ordered the heirs of Humphreys to pay \$9,000 to the estate of Brown.⁷⁵

Henry Clay, having completed his professional duty before the Supreme Court, could now relax and turn his attention once more to social matters in which he always participated with zest and complete enjoyment, for he was essentially gregarious by nature. Therefore, on January 25, 1843, there appeared in the *Picayune* the announcement that Mr. Clay "has written friends in Mobile that he proposes to visit them," on which mission he embarked via steamer from Milneburg on February 1 for Mobile, and where he was royally entertained in that city a few days later. Clay stayed but a short time in Mobile, for his chronicler, the *Picayune*, on February 10, reports that on that evening the Honorable Henry Clay was to visit the St. Charles Theatre.

The visit of the distinguished Kentuckian was coming to a close. The Carnival season was at its height, and the many friends and admirers of the leader of the Whig Party determined to climax the social season with a ball in his honor that would live in history. Strangely little is remembered of this elaborate affair which, if the known facts are to be believed, places it high up in the list of really gorgeous entertainments in a city noted for lavish functions of this sort. It was a "subscription affair," and a general invitation was extended to all gentlemen to participate. The first notice of the proposed party appeared in the *Picayune*:

CLAY BALL—A ball will be given by the citizens of New Orleans on Wednesday evening, at the St. Louis Exchange, to the Hon. Henry Clay on the eve of his departure from the city.

⁷⁴ Ibid., January 29, 1843.

^{75 &}quot;Preston vs. Humphreys," 5 Robinson, 299.

^{. 76} New Orleans Daily Picayune, February 15, 1843.

Magnificent preliminaries are going forward to present Mr. Clay with the compliment of a ball. The gorgeous salon of the St. Louis Exchange has been selected, and a brilliant array of beauty, intellect and fashion may be looked for there next Wednesday evening. This will no doubt be the most splendid affair of the season, and the presence of Henry Clay will lend surpassing interest to the occasion.⁷⁷

In 1885 some unknown writer gave these interesting details, undoubtedly based on first-hand information:

When James Hewlett, the proprietor of Hewlett's Exchange, took over the management of the St. Louis Hotel it reached its meridian of splendor and became the most celebrated caravansary in the South. Then it was that the celebrated annual "Bals de Société," or subscription balls, were inaugurated, bringing together the wealth, beauty and refinement of the Crescent City in the magnificent ball room of the Hotel. Among the splendid entertainments of which this ball room was the theatre forty years ago, was the magnificent "Bal Travesti" given in the winter of 1842-1843, and the entertainment gotten up in the same winter in honor of Henry Clay's visit by his New Orleans friends and admirers.

There were 200 subscribers to the Clay fete, each paying the subscription of \$100, the ball and supper costing the enormous sum of \$20,000. At the feast of regal magnificence to which 600 ladies and gentlemen sat down in the spacious dining hall of the hotel, the famous orchestra of the French Opera discoursed sweet music and the illustrious statesman in whose honor the fete was given delivered the only public speech he ever made in Louisiana, in which he gallantly took occasion to pay a glowing tribute to the beautiful women of New Orleans.⁷⁸

A more authentic and contemporary report of this brilliant soiree appeared in the *Picayune* on the next morning:

THE CLAY BALL—The ball given last night in honor of the distinguished statesman from Kentucky was really a brilliant affair. It was given under the auspices of the leading gentlemen of the city, and nothing was spared that could impart splendor to the *féte*. There was a demand for tickets yesterday that it was impossible to supply, and the ball-room of the St. Louis Hotel was crowded to its fullest capacity by the beauty and fashion of the town. We cannot doubt that such a testimonial of respect and attachment—the first in which the ladies of the State have been able to take part—

⁷⁷ Ibid., February 12, 1843.

⁷⁸ William H. Coleman (comp.), Historical Sketch Book and Guide to New Orleans and Environs, with Map (New York: W. H. Coleman, 1885), 78.

must have been more grateful to the feelings of Mr. Clay than all the pageants which have been got up in his honor since the commencement of his journey to the South-West.

We learn that he takes his departure this morning in the new and beautiful steamer Diamond, leaving the foot of Poydras street at 10, A. M. In accordance with his avowed wishes, his residence in our city has been as quiet and private as it possibly could have been, considering his commanding position and the universal desire to know one who has played so prominent a part in our country's history. But whenever an opportunity afforded, our citizens, without distinction of party, have united in such demonstrations of regard and admiration as were deemed appropriate; and they have done this with an alacrity and enthusiasm which show that his great and generous qualities of mind have taken the strongest hold of the affections of the inhabitants of Louisiana.79

As a final note the *Picayune* then reported:

Mr. Clay left the city yesterday, and was attended to the steamer Diamond by a party of his friends. Many of our citizens congregated on the wharf to see him leave, to whom he bowed from the guards as the boat rounded off into the stream. We learn that he spends a few days at Col. Preston's, on the Coast, before taking his final leave of the State for Kentucky.80

And so ended this chapter in the history of the delightful sojourns of the "Cock of Kentucky" during the gay and colorful winter season of 1842-1843 in the entrancing Cresent City by the banks of the Mississippi.

Henry Clay's fourth visit to New Orleans came relatively close upon his return home in the preceding February, because he returned again to the city on December 23, 1843. "The distinguished American orator and statesman, the Hon. Henry Clay, arrived in the city yesterday, upon the steamer Grey Eagle. The merry season of Christmas is a proper time to welcome old Harry of the West to New Orleans."81

The New England Society of New Orleans had held its anniversary on Friday, December 22. After the ceremonies at Dr. Clapp's Church, the Society moved in procession to the St. Charles Exchange. Although Henry Clay arrived too late for the banquet, a toast was given to him.82

New Orleans Daily Picayune, February 16, 1843.
 Ibid., February 17, 1843.
 Ibid., December 24, 1843.
 Ibid.

But as soon as he could put down his traveling bags, Henry Clay plunged into the round of joyous festivities of the Holiday season, for his ever-faithful recorder, the Daily Picayune, noted: "The distinguished visitor, Henry Clay, attended by invitation, the opening performance of the new opera, 'The Devil's Share,' at the French Theatre."83

This was the season for the expressing of good will to all men, and typical of the social amenities of the season is this report from the daily press:

Yesterday the members of the House of Representatives, accompanied by Mr. Derbigny, their Speaker, visited the Governor and rendered to him their respectful greetings.— They then, with the Governor at their head, visited Henry Clay, to whom they paid a like mark of courtesy. . . . 84

The City was thronged with visitors, for on January 5, 1844, the Daily Picayune stated that "some idea of the vast number of strangers in town may be gathered from the fact that over 400 guests are registered at the St. Charles Hotel."

Then came the annual celebration in commemoration of the Battle of New Orleans on January 8. There was a great parade concluding at Jackson Square, (then Place d'Armes). The parade was followed by Clay in a private carriage, accompanied by State Senator Hoa of New Orleans.

But politics was not forgotten in the excitement of the holiday season, for the Daily Picayune notes on January 12, 1944, that "Mr. Clay has been written to by Albert Pike and others relative to the formation of Clay Clubs in Arkansas." Unquestionably the coming Presidential campaign of 1844 was looming large in the thoughts of the followers of the Whig Party in the South, who were imbued with the idea of making the distinguished visitor in New Orleans its nominee; but Clay was careful not to commit himself too far in the matter.

One sad note injected itself into the pleasurable calendar of Clay's visit, and this was the death of his friend and colleague in the Senate, Judge Alexander Porter, who died on January 13, 1844.85 The same journal then reported the election of his successor, Henry Johnson, on January 30, 1844, by the Legislature then in session at New Orleans.86

⁸⁸ Ibid., December 30, 1843.

 ⁸⁴ Ibid., January 4, 1844.
 85 Ibid., January 18, 1844.
 86 Ibid., January 30, 1844.

On January 20 the *Picayune* noted in its columns that "the 'Sultana' leaves this morning for Natchez with the Hon. Henry Clay as one of the passengers." He arrived there a day or two later, "on business of a nature strictly private," as reported by the Picayune, 87 but it can easily be surmised that it was for the purpose of looking over his political hopes in Mississippi by paying a visit to Dr. Duncan of that city, who, with Dr. Mercer of New Orleans and a host of other friends, secretly paid off Clay's debts to the Northern Bank of Kentucky in 1845.88

On February 6, 1844, Clay's Boswell—the Daily Picayune reported that "Mr. Clay returned to town yesterday morning in the finest health and spirits." Evidently the political reports on his Presidential prospects in Mississippi were good.

Mardi Gras occurred on February 20, 1844. A few days thereafter the Whig Convention of Louisiana met at the Place d'Armes. That famed orator from Mississippi, Sergent S. Prentiss, and then a resident of New Orleans, addressed the convention. His eulogy on Henry Clay as the physical embodiment of the Whig principles was enthusiastically applauded. The Convention ended its labors by appointing a committee to nominate candidates for President, Vice President and Secretary.89

At the same time this significant announcement appeared in the Picayune:

We learn that Mr. Clay, at the repeated and urgent requests of his friends, will receive company in the gentlemen's parlor of the St. Charles Exchange, this day, from 1 to 3 o'clock. If he shakes hands with all his friends at present in the city, we can only say that he will have his hands full—that's all.90

The results of these adroit manoeuverings were faithfully reported the next day in the Picayune:

At 12 o'clock yesterday the whigs of the city and State who took part in the Convention, assembled in Canal street, and proceeded to the Place d'Armes in the order assigned to them in the programme. The able address and resolutions which were read the previous evening in the Poydras street church, were then submitted to the meeting and unanimously adopted. Gov. Poindexter then addressed the meeting in English with great effect, and was followed by Gov. Roman. who spoke in French.

⁸⁷ Ibid., February 3, 1844. 88 Hutson, loc. cit., April 10, 1910. 89 New Orleans Daily Picayune, February 23, 1844.

A large portion of the meeting and the music returned, and drew up opposite the portico of the St. Charles Exchange. Soon after Hon. Mr. Clay was called out, and appeared. He expressed his embarrassment at meeting them under the circumstances. He did not intend to make a speech, and would not make a speech; but he would congratulate them on the glorious prospect which the whig cause everywhere presented. From the eastern boundary of Maine to the extreme point of Louisiana there was not a single spot to darken its brightness; he would therefore say to them-"Go on in the good cause—go ahead!" He then retired, and Mr. Prentiss was called out. He excused himself from making a speech by saying-"Fellow-citizens, men are not apt to turn to crumbs after having feasted on costly viands. The owl, the bat or other inferior birds do not expose their limited power of flight while the eagle is soaring in the sky above them. You will excuse me, after having heard Henry Clay, for not making a speech."

After this the crowd dispersed, being assured by Col. Christy that they would have an opportunity of hearing speeches enough at the Arcade tonight [last night].91

The festivities of the Carnival season at New Orleans being at an end, and matters political having been apparently arranged to his satisfaction, Henry Clay proceeded on his way to mend his political fences elsewhere, for the following notice appeared in the Picayune:

After a sojourn of several weeks in our city, Mr. Clay left yesterday for Mobile, on his way to the Atlantic Coast. He will remain in our sister city and attend a magnificent ball, to be given, as we understand, by gentlemen of all parties. The greatest preparations are making for this affair.92

This was soon followed by another notice: "Mr. Clay arrived safely at Mobile on Sunday morning, and occupied private apartments at the residence of Dr. Levert. He will remain in that city till Tuesday next."93

The bitter and acrimonious campaign of 1844 culminated in November of that year in the defeat for the Presidency for the third time, of Henry Clay, the idol of the Whig Party, at the hands of James K. Polk, a comparative unknown. Louisiana, where Clay had visited so often before, and where he had been so lavishly entertained and admired, again failed to cast its electoral votes for him, giving all of them instead to Polk.94

P1 Ibid., February 24, 1844.
 P2 Ibid., February 25, 1844.
 Ibid., February 28, 1844.
 Colton, op. cit., II, 433.

Undoubtedly the influence of General Jackson and the Democratic Party outside of New Orleans was still an insurmountable obstacle. Jackson had continued to harbor bitter resentment for Clay, because as late as May 3, 1844, during the course of the Presidential canvass, Jackson published a card reaffirming the charge of "bargain and corruption" so disastrous to Clay in 1828 and 1832, in a manner which plainly indicated that age had not blunted the vindictive asperities of Jackson's nature. 95

Time with its softening influence had removed from the heart of Henry Clay some of the sting of his defeat by Polk when the ever-faithful *Picayune* declared, "we learn that the Hon. Henry Clay is expected in this city where he will pass a good portion of the winter." The aged statesman, for he was then sixty-nine years of age, "arrived in the City last evening on board the steamer 'Magnolia'." This was Clay's fifth visit to the Crescent City.

As usual the New England Society of Louisiana was about to hold its fifth annual convention and banquet; and, as before, had Henry Clay for its principal guest of honor. The formal account of the celebration as it appeared in the Daily Picayune paints but a faint picture of the epicurean and gargantuan meals which preceded the speechmaking which consisted of responses to six formal and eight impromptu toasts. The dinner was Lucullian in its range of quality and quantity. It was designed to please both the discriminating taste of the gourmet, and the capacious appetite of the gourmand. In these days of ration points, when even large banquets are sometimes confined to a meatless menu, it is bewildering to read of the prodigious quantities of rich and rare edibles and liquid refreshments that were set before Henry Clay and the members of the Society, and of which Henry Clay had to partake before he could get his speech out of his system, by then completely surfeited with the delicious viands. As one person said to the writer after reading the astonishing list of highly seasoned foods and potent liquids: "What history does not tell us of this banquet is that Herny Clay, after partaking of this satiating repast, must undoubtedly have lived for several days thereafter on a diet of bicarbonate of soda!"

⁹⁵ Sargent, op. cit., 239.

⁹⁸ New Orleans Daily Picayune, December 9, 1846.

⁹⁷ Ibid., December 12, 1846.

But let the hardy reporter who survived this gastronomical feat which took place at the St. Charles Hotel, give some of the dazzling details:98

At 7 o'clock the members of the society accompanied by their invited guests, among whom were the Hon. Henry Clay, Gov. Johnson, Gen. Brooke of the U. S. Army, the Secretary of State, Attorney General Elmore, and a number of others, who had assembled in the gentlemen's parlor, repaired to the dining-room, where the tables were groaning with choice edibles and drinkables, sufficient to tempt the appetite of an anchorite. The dinner was served up in excellent style by Messrs. Mudge and Wilson, and everything was done to a turn—the soups and gravies to a bubble—the cream roman punches frozen to a degree. We can give no better idea of the great variety and choice character of the viands than by giving the following-

BILL OF FARE

Anniversary dinner of the New England Society of Louisiana St. Charles Hotel, New Orleans, Dec. 22, 1846.

SOUPS

Redfish Chowder Clam Chowder

Mock Turtle Soup Rice and Tomato Soup

FISH

Broiled Pompano, stewed sauce Redfish, Normandy fashion Broiled Rockfish, Hollandaise sauce

Baked Redfish, larded, port wine sauce

BOILED

Turkies and Oyster sauce **Buffalo Tongues** Beef Tongues Corned Beef and Cabbage Calf's Head and brain sauce Leg of Mutton, caper sauce Fulton Market Beef Westphalian Hams, cooked in Champagne

COLD ORNAMENTAL DISHES

Boned Turkies Salmon Salads Lobster Salads Cold French Pies Chicken Salads

BAKED

Pork and Beans Oysters in the shell

Yankee Chicken Pies Fried Oysters

⁹⁸ Ibid., December 23, 1846.

ENTREES

Noix de Veau en Bedeau, sauce tomate Tourband de Filets de Volaille Cotelettes de Mouton á la Soubise Riz de Veau aux epinards Pigeons en compote Timbales de Macaroni á la Milanaise Canneton á la purée de pois verts Croustades garnis de Becassines Cotelettes de Veau, piqués á la jardiniere Arcade de Volaille, garnis d'une Toulouse Petitis Bouchées à la Reine

ROASTS

Tenderloin of Beef, larded, Haunch of Venison, jelly sauce plain sauce Bear, apple sauce Tenderloin of Beef, larded, Stuffed Capons mushroom sauce . Pig Turkies with Giblet gravy

GAME

Mallard Ducks Black Ducks Teal Ducks Snipes

Canvas Back Ducks Woodcocks Wild Geese Brant

VEGETABLES

Green Peas, French fashion Celery with brown gravy Boiled Onions, plain sauce Spinnage with cream Fried Parsnips Croquettes of Potatoes Turnips, butter sauce

Carrots, stewed sauce Cauliflower, plain sauce Baked Cauliflower with cheese Baked mashed Potatoes Green peas, boiled plain Lettuce with brown gravy

PASTRY ORNAMENTS

Monument to St. George and Bunker Hill Monument the Dragon Sugar Vase with Kisses Nougat Pyramid

Chinese Light-House Nougat Basket

PASTRY AND FRUITS

Charlotte Russe Blanc Manger Champagne Jelly Oranges á la Belle Vue Pumpkin Pies Plum Puddings Mince Pies Vanilla Meringues Vanilla Ice Cream Roman Punch

Parisian Gateaux Lafayette Cakes Citron Soufflage Oranges—Grapes Almonds—Figs Raisins—Prunes Pine Apples—Filberts Apples-Pecans Bananas Coffee

WINES

Champagne Claret Hock Medeira Sherry Port

Ample justice was done to the dinner by the assembled guests; and when at length the clatter of knives and forks had partially ceased, announcing that the demands of appetite had been appeased, amid the popping of corks and the hilarious laugh, the following regular toasts were given, and drank with hearty good-feeling.⁹⁹

Some fourteen toasts were given and replied to at length by the distinguished speakers. Among those who rose to reply was Henry Clay who, receiving this toast to himself: "A Virginian, a Kentuckian, a Yankee, and an American," replied, in part:

Mr. President-Very little in the habit of addressing assemblies of any kind [laughter]—I don't mean to say I never was, but that I am not now in the habit of addressing assemblies. I have been sent to the retirement of private life, in which I acquiesce with pleasure, as it gives me an opportunity of recruiting my health, and for my own personal improvement. But although leading a life of retirement, I am not altogether unobservant of the proceedings relating to the condition, welfare and prospects of our country; and when I saw around me to-night Gen. Brooke and other old friends, I felt half inclined to ask for some little nook or corner in the army, in which I might serve in avenging the wrongs to my country—[applause]. I have thought that I might yet be able to capture or to slay a Mexican—[applause]. I shall not be able to do so, however, this year, but hope that success will crown our gallant arms, and the war terminate in an honorable peace. I thank you for the invitation which has brought me here this evening. It is not the first time I have met you, and the association fills me with pleasure. You do right, gentlemen, in commemorating and encouraging the spirit of liberty and opposition to oppression that brought to the shores of the New World your glorious ancestors; and may you, by imitating their example, add new honor and new fame to the names they have left you. I will conclude, gentlemen, by offering you this sentiment:

May the spirit which brought your Pilgrim Fathers to this distant land—the spirit of opposition to oppression and the love of Liberty, civil and religious—ever animate the hearts and nerve the arms of their successors. 100

⁹⁹ Ibid. 100 Ibid.

The remainder of Clay's sojourn on this particular visit was not spectacular. The next news item recorded of him stated: "Among the many visitors to the Fair at Baton Rouge was Hon. Henry Clay, who seems to take as much interest as if he was at a Fair in his own Kentucky. His presence added interest to the occasion." 101

In the winter of 1846-1847 Ireland was visited by a great potato famine, and many in that country died of starvation, causing a great wave of emigration to the United States. All throughout this country came great responses to the cry of the stricken people of Ireland for help. The people of the City of New Orleans had heard the cries of distress, and were moved to help the suffering people, many of whom had already emigrated to New Orleans.

Accordingly, on the evening of February 4, 1847, a great meeting was held at the Merchants' Exchange, in St. Charles Street, to consider a plan by which assistance might be given to the suffering poor of Ireland. Governor Isaac Johnson presided, and a number of speeches were made by prominent citizens, including Seargent S. Prentiss. 102 As the Daily Picayune reported the affair the next morning, there were loud calls for a speech by Mr. Clay, to which he responded by addressing the meeting upon the distressing condition of affairs in Ireland, and the necessity of giving every helpful assistance to the Irish. As the Picayune put it—"He was listened to with the most profound attention and applauded with warmth at the conclusion of his remarks."103 While the Picayune omitted to report the speech of Clay on this occasion, it has been preserved for the benefit of historians by an unknown author of a life of Clay. 104 While Clay's address on this occasion was not very long, it was a real oratorical effort doing full justice to the speaker's deep sympathy with the worthy cause, and his admitted talent as an orator.

Very shortly after this meeting Clay received the tragic intelligence of the death of his beloved son, Henry Clay, Jr., who died a hero's death in the Battle of Buena Vista. The news came to him in a personal communication from General Zachary Tay-

¹⁰¹ Ibid., January 6, 1847.

¹⁰⁹ Thomas M'Caleb (ed.), The Louisiana Book: Selections from the Literature of the State (New Orleans: R. F. Straughan, 1894), 121-127.

¹⁰³ New Orleans Daily Picayune, February 5, 1847.

^{104 (}Anonymous), op. cit., II, 598.

lor, dated at Agua Nueva, Mexico, March 1, 1847, in which the General paid a moving and tender tribute to the brave and gallant son of the great statesman.¹⁰⁵

After the arrival of this sad news at New Orleans little else of Clay's movements in the city appears, and the *Picayune* concludes the narrative of this visit by stating: "The Louisville Journal of March 20th says: 'The Hon. Henry Clay arrived from New Orleans Saturday morning in the "Alex Scott," and left in the afternoon for Ashland. We never saw him in better health'." 106

At the advanced age of seventy-two, and some thirty years after his first trip to New Orleans. Henry Clay paid his sixth and final visit to see his friends in the City, because by this date the members of his own family had either died or moved away. Between the date of his first visit to the Crescent City in 1819 and the occasion of his last return in 1849, many tragedies, sorrows, and bitter disappointments had come to Clay. And even on this last sojourn when he was old, tired, and worn there were still to be reminders of the bitterness of his frustrated and consuming ambition to become President of the United States; and it is a commentary on his generous disposition in returning so often to the City, where he received the warm-hearted welcome from the people of New Orleans, to recall that the people of the State, outside of New Orleans, had never once voted to bestow the high honor of the Presidency upon him. This fact serves to explain in some part the elaborate honors bestowed upon Henry Clay in New Orleans after his death.

In February, 1848, the Treaty of Guadaloupe Hidalgo was concluded. By its terms Mexico recognized the Rio Grande as the western boundary of Texas, and ceded to the United States the Territories of New Mexico and California, the granting of statehood to which, later, would give rise to the adoption of the famous Compromise of 1850, and which was enacted by Congress under the masterful leadership of Henry Clay, the originator of the plan.

It was in the midst of the struggle regarding the admission of slavery into the Oregon Territory that the Democratic Con-

¹⁰⁵ Sargent, op. cit., 276.

¹⁰⁶ New Orleans Daily Picayune, April 11, 1847.

vention met at Baltimore on May 22, 1848, and nominated Lewis Cass, Jackson's Secretary of War, for the Presidency.¹⁰⁷

The Whig Party met on June 7 of that same year at Philadelphia. Henry Clay and his supporters were still full of hopes that he would be given the nomination for the Presidency for a fourth time. But on the first ballot Clay not only failed to receive the votes of Ohio, of which he had been assured, but even a majority of the Kentucky delegation voted for Zachary Taylor. The Mexican War had come to a successful conclusion and Zachary Taylor was its hero. It was therefore logical that he should be considered as the one to lead the Whigs to victory. On the final ballot Taylor had 171 votes, and Clay only 32. It was the end of Clay's hopes for the Presidency, and he felt the verdict keenly. To understand somewhat the subsequent meeting of Clay and Taylor at Baton Rouge, when Clay was on his way to pay his final visit to New Orleans, the following will be of some interest:

Clay was deeply mortified (at his defeat for the nomination). Some of his friends had cruelly deceived him, especially those who had promised him the enthusiastic support of Ohio. Neither had he thought it possible that in a crisis the vote of the delegates from Kentucky would fail him. He felt keenly that, in a defeat in which he had been abandoned by his own state, his prestige had suffered. But more than that. The party which he had built up, of which he had been proud, and which had always professed to be proud of him, had thrown him aside for a man who had only at the eleventh hour called himself a Whig, and who did not profess to know anything of Whig principles. . . .

The old chief retired to his tent. One of the seats for Kentucky in the Senate of the United States having become vacant before the expiration of the term, the governor offered him the executive appointment to the place. Clay promptly declined. Without hesitation he informed his friends, who expressed anxiety as to his attitude, that he would do nothing against, nor anything to support, Gen. Taylor's candidacy. 108

An impulsive and spontaneous movement to repudiate the nomination of General Taylor, and substitute that of Clay, was commenced at Albany, New York, and this finally constrained Clay to break the silence he had hitherto observed, and he per-

¹⁰⁷ Schurz, op. cit., II, 304.

¹⁰⁸ Ibid., II, 306-307; Sargent, op. cit., 327.

emptorily forbade the use of his name. Still, he continued to make no public allusion to the nomination of General Taylor; took no active part in the canvass; and, if he even voted at the Presidential election, the fact was not publicly noted. 109

Bearing the foregoing in mind, some light can now be thrown on the following cryptic report telling of Clay's meeting with Taylor after the latter's election to the Presidency, as the aged Kentuckian stopped briefly at Baton Rouge on his steamer on his way down to New Orleans for his final visit:

The Hon. Henry Clay arrived in the steamboat "Princess." We learned that the health of the eminent statesman is nearly re-established. Brig. Gen. Brooke came down the river on the same boat, from Baton Rouge, we presume. We are informed that an accidental, but cordial interview took place between Mr. Clay and Gen. Taylor at Baton Rouge, the General having gone on board the boat while at the wharf, as is his wont when boats pass; and being immediately recognized by Mr. Clay. A friend has described the interview to us with some spirit, but we need only say that it was of the most kindly and pleasant description—just what we had a right to expect from men of their sincerity of character, elevated position, and acknowledged sympathy of views on many leading questions of public policy. 110

As possibly indicative of Clay's enfeebled condition at the time, the following note is interesting:

We are glad to learn that the injury which Mr. Clay had received from a fall the other day is so slight as not to prove serious. Though still sore from the effects of the bruises received on his head and shoulders, he is fast recovering, and we hope that the venerable statesman may be spared many long years, the delight of his friends and the pride of his countrymen.¹¹¹

A few days later the citizens of New Orleans tendered a grand ball in honor of General Taylor, which neither he nor Clay attended. Why this was is not explained.

THE TAYLOR BALL.—The grand civic and military ball in honor of Major Gen. Taylor, President elect of the United States, took place at the Armory Hall last evening, and was a very brilliant affair. It was originally intended to have been given the 8th of January, when Gen. Taylor was to be present, but on account of the prevalence of the

¹⁰⁹ Sargent, op. cit., 328.

¹¹⁰ New Orleans Daily Picayune, January 21, 1849.

¹¹¹ Ibid.

cholera it was postponed. The impossibility of Gen. Taylor's being present last night rendered the affair somewhat tamer than it would otherwise have been, but still it was a splendid affair. The attendance was very large, and the ladies looked their very loveliest and appeared to enjoy the entertainment excessively. Gaiety and pleasure were the order of the evening, and all present seemed determined to make it the ball of the season. The room was beautifully decorated, for which all praise is due Mr. Brooks, who has exerted himself to the utmost to perform his share of the affair in a satisfactory manner. Of the supper we cannot speak, but doubt not that it was all that could be desired. 112

Shortly after Taylor had defeated Clay for the Whig nomination for the Presidency, Clay had declined an executive appointment to the Senate of the United States by the Governor of his State, but time evidently had assuaged some of Clay's disappointment, because while he was in New Orleans on this particular visit, and for the second time while here, he was accorded a rare honor by the Legislature of Kentucky by being elected to the United States Senate in a contest with Colonel Richard M. Johnson, the vote being 92 for Clay and 45 for Johnson. Regarding this signal honor the Daily Picayune had this to say:

MR. CLAY.—We learn that the return of this gentleman to the Senate of the United States will not interfere with his purpose of passing the winter in New Orleans. It is not his present intention, we are informed, to repair to Washington for the short executive session in March. When the venerated statesman shall return to the North, we trust that it may be with his health perfectly reestablished. The accident which he suffered a few days since, though of so little permanent moment, aroused universal sympathy, and all are anxious to see him reenter the great theatre of his fame in the enjoyment of his physical as well as mental energies.¹¹⁴

Because of his advanced age Henry Clay took little or no part in the social and civic activities of New Orleans on the occasion of his last visit.

There was much to see and do in New Orleans in the winter of that year. For example, during the month of February, 1849, at the same time that the great English tragedian, Macready, was playing in Shakespearean dramas at the St. Charles Theatre on St. Charles Street, just around the corner on Camp Street

¹¹² Ibid., January 26, 1849.

¹¹⁸ Ibid., February 6, 1849.

¹¹⁴ Ibid., February 8, 1849.

his great American rival, Booth, was also delighting large audiences at the American Theatre in plays of the same bard.

The only notice of Clay's participation in public functions was in connection with the laying of the cornerstone of the Federal Customhouse on Canal Street. This account from the Daily Picayune serves to correct an otherwise erroneous impression that it was Clay who laid the cornerstone. 115

The corner-stone of the new Custom-House was yester-day laid, with considerable pomp and ceremony. It being the 22nd of February, the birth-day of "the Father of his Country," the military turned out in full force, together with the St. Joseph's and St. Michael's Societies, and a large number of the Sons of Temperance, aided in making the ceremonies grand and imposing.

Henry Clay, whose presence excited considerable interest. The delicate attentions shown to him on every side were striking proofs of the reverence in which he is held by his countrymen. When he arrived upon the ground the crowd was dense, and apparently unyielding; but the moment it was whispered around that Henry Clay was coming, a space was opened, and hats came almost involuntarily from men's heads as the venerable statesman passed. Mr. Clay yet moves with a firm and buoyant step, but his face shows too plainly the ravages of time and ill health. As usual on such occasions, although it was much regretted that he did not make some remarks on the occasion, he was consigned to the especial care of the ladies, and seated amid a perfect crowd of smiling and lovely faces.

When the procession arrived the military was formed around the spot, the corner-stone was placed in position by the workmen, under the direction of Denis Prieur, Esq., who afterwards delivered the following address, when the procession broke up and the crowd dispersed.¹¹⁶

It is interesting to observe that when Henry Clay made his first entry into New Orleans in 1819 little publicity was given to his arrival. The same treatment seems to have been accorded his final departure, for the Daily Picayune ever watchful to chronicle his movements is significantly silent, as the last entry in that paper, on April 6, 1849, states simply that "Henry Clay [is] to deliver an address at the horticultural fair in Cincinnati next fall."

 ¹¹⁵ Henry Rightor (ed.), Standard History of New Orleans (Chicago: Lewis Publishing Co., 1900), 428.
 116 New Orleans Daily Picayune, February 23, 1849.

There was, however, one additional item in the *Picayune*, which, on March 21, 1849, noted the arrival at the St. Charles Exchange Hotel of Ex-President Polk. A great procession and reception was accorded the Ex-President, who five years before had defeated Henry Clay for the Presidency. There was no mention in the article of Clay's presence at the reception, or whether he was still in the city. Under the circumstances it was possibly tactful not to refer to Clay at all.

But Clay had one more fateful fight to make—the Compromise of 1850; and then as he and the South firmly believed, slavery was once more retained within the bonds of the Union—but it was only an expedient makeshift which, for a brief eleven years was able to keep chained the dogs of war. But whether Clay died in the belief or hope that he had once more saved the Union in which he believed so firmly, is not very clear.

All throughout his political career Henry Clay was famed for his ability to effect "compromises" by which he solved many difficult political problems which confronted him. Although he was opposed to slavery in principle, and endeavored early in his political career to have the freeing of the slaves enacted as a part of Kentucky's first constitution, he fought many a battle to preserve the institution and extension of slavery. Clay himself owned many slaves while all the time seeking a peaceful method of freeing such chattels. When he came to pen his last will and testament he "compromised" with reference to the freedom of his own slaves. Clay's will was dated July 10, 1851. By this document in which he disposed of his worldly estate, Clay provided that all children born of his slaves after January 1, 1850, were to be liberated and sent to Liberia when the male slaves reached the age of twenty-eight years, and the females twentyfive years. But as to all other slaves born before that date, they were to remain as slaves and were given to his family.117

CHAPTER III

As it must come to every man, in the midst of his duties as Senator from Kentucky, in the hot summer weather at Washington, death came to draw the final curtain on the long, eventful, and notable career of Henry Clay on June 29, 1852, at the hour of 11:15 A. M., and in the seventy-sixth year of his age Henry Clay closed his weary eyes for the last time. Present only were

¹¹⁷ Ibid., July 23, 1852.

his two sons, his wife being then at her home in Kentucky. His passing aroused great interest and sympathy. At the funeral procession in the Capitol gathered all the great men of the time, including the President and his Cabinet. The whole country resounded with eulogies on the death of the great and beloved American. No one wished to remember his faults, or to be overcritical in praise of his virtues and in the estimation of his public services.

The Daily Picayune of July 2, 1852, contains a telegraphic dispatch of the final scene. As a matter of fact, the Picayune had a "scoop" over its contemporaries in the local field as evidenced by the following note of apology appearing in its columns:

The information given to the Mayor and Council on Tuesday night, [June 29th,] of the death of Henry Clay would have been given to our contemporaries had we known of their being unexpectedly deprived of the usual telegraphic news.¹¹⁸

The death of Henry Clay created universal sorrow in New Orleans. The City Council immediately adjourned—flags were lowered, and buildings throughout the City hung with crepe and otherwise decorated with cerements of woe. The Bar Association gave notice that it would meet on July 2 for the purpose of taking measures to honor the memory of Henry Clay; and, by order of the Council, July 2 was set aside as a day of general mourning. All the papers, some of them bordered in black, contained long editorial panegyrics to the memory of the deceased statesman.

On Saturday, July 3, the Supreme Court of Louisiana met with Chief Justice George Eustis presiding for the purpose of holding memorial exercises for the great Kentuckian who in his lifetime had honored the Bench and Bar of Louisiana by practicing his profession before the Court. Upon the convening of Court a committee consisting of Messrs. R. N. Ogden, chairman, M. M. Cohen, Charles Maurian, Isaac E. Morse, E. A. Bradford, Edward Rawle, J. R. Price and Henry St. Paul, presented a resolution eulogizing the deceased. A special committee consisting of the Chief Justice, Alfred Hennen, Garnette Duncan and H. H. Strawbridge was then named to transmit a copy of the resolution to the family of Henry Clay. The funeral of Henry Clay took place from the Capitol at Washington on July 1, 1852, with eventual burial at Lexington on July 10th.

118 Ibid., July 1, 1852.

¹¹⁹ Publications of the Louisiana Historical Society, V (1911), 142-145.

John C. Calhoun died on March 31, 1850, a short four weeks after the close of the memorable debate on the Compromise of 1850 relative to the admission of California as a slave-free State. Clay was therefore the second of the great triumvirate of Senate leaders to pass away.

Or Sunday, October 24, 1852, just a little under four months after the death of Clay, the *Daily Picayune* received telegraphic news of the passing of Daniel Webster that same morning at his home in Massachusetts. On the same date the Mayor of New Orleans, A. D. Crossman, issued a proclamation ordering general mourning and a half holiday on Monday, October 25th.

As on the earlier date in the same year when the *Picayune* received its telegraphic advice of the death of Clay, the City was again plunged in sadness and gloom as the melancholy news of Webster's death spread. The Courts were again closed. The public buildings were decorated with symbols of sorrow—likewise the stores and residences. Flags were again at half mast; and, to quote a contemporary account, "the church bells tolled mournfully, and deep mouthed cannon filled up at intervals in muttering thunder-tones, the pauses of sad silence." The Bar Association on October 30th met in special session before the Supreme Court of Louisiana at a meeting called for the purpose of receiving resolutions of regret and eulogy. Among those who appeared and spoke before this session of the Supreme Court was the United States Senator-elect, Judah P. Benjamin.

On Monday, October 25, 1852, a meeting of citizens was held in Banks Arcade to make arrangements to pay suitable tribute to the memory of the great orator and statesman, and a committee was appointed to perfect the necessary arrangements. From the very first the revered names of Calhoun, Clay and Webster had been united in the thoughts and regrets of all. A sub-committee of eight at its first meeting resolved in favor of a funeral ceremony for all three statesmen, inasmuch as the City had not acted with due regard to its own dignity in passing over without notice the deaths of Calhoun and Clay. Simply to honor only one of these deceased, they declared, would have been sectional, but by honoring the memories of all three the ceremony would be national in scope. A joint funeral procession was there-

¹²⁰ History of the Proceedings in the City of New Orleans—Funeral Ceremonies in Honor of Calhoun, Clay and Webster, December 9, 1852 (New Orleans: Picayune Print Office, 1853), passim.

fore determined upon, and December 9, 1852, fixed as the day for the event. No trouble or expense was to be spared in order to make the affair historic and befitting the characters and reputations of the dead.

The death of Webster coming so close upon that of Henry Clay who locally was the greatest favorite, gave impetus to the desire of the people of New Orleans to specially honor his memory in some tangible and lasting form. Therefore on November 12, 1852, the Daily Picayune carried a long article inviting the citizens of New Orleans to attend a meeting to be held that evening at the Mechanics' Institute for the purpose of devising measures to erect a monument to the fame of Henry Clay, and which strangely enough, was apparently to be placed in Lafayette Square. In this connection, the article went on to say that with the erection of the new equestrian statue of Jackson, and those of Calhoun, Clay and Webster, there would be afforded a splendid opportunity for the display of artistic talents in the adornment of the City. 121

Accordingly the meeting was held and the Henry Clay Monument Association was formed for the purpose of commissioning an American sculptor to execute a monument in solid marble to the memory of the great American, similar to that in Richmond, Virginia. The meeting was addressed by Edward Parmele who reviewed the historical facts of Clay's career, many of which were so intimately connected with the lives of the people of New Orleans. The speaker in appealing for funds to construct the monument called attention to the fact that shortly there would adorn one of the City's public squares (Place d'Armes) an equestrian statue of the renowned and invincible hero of the Battle of New Orleans, and added, "It is proper in honoring the 'Savior of the City,' that we should not forget to do equal honor to the champion and defender of its rights and interest." The speaker in giving more specifically the reasons for thus honoring Henry Clay went on to say:

Such a tribute is due from this City to the memory of this distinguished statesman. Next to the memory of the "Slashes of Hanover," and the delights of the shades of Ashland, he treasured most whilst living the recollection of his friendships here. He has often sojourned in our midst. He has practiced his profession at our Bar, and at all times he has manifested a deep and abiding interest in our City

¹²¹ New Orleans Daily Picayune, November 12, 1852.

and State. Among the earliest acts of his public life is one in favor of our interest—the securing of the right of deposit for this city, wrested from the Spanish authorities. Some years after this we find him exercising all his mighty influence in behalf of the Perdido Line, in which we were deeply interested. As one of the American Commissioners at Ghent it was mainly through his instrumentality that our country obtained the exclusive navigation of the Mississippi, not only in opposition to the wishes of the Commissioners of Great Britain and under threats of that Power, before which the Star of Napoleon had waned—but in direct conflict with the expressed opinion of a majority of the American Commissioners. The ratification of the Treaty of Ghent and the news of the glorious victory at New Orleans reached him at the same time, while at Paris he waited for the one and hoping for the other. Holding such relations to us we are desirous that the record of our gratitude for his services, and in commemoration of his name should be on a scale commensurate with both.122

It is doubtful if there has ever been held in New Orleans a spectacle as elaborate and magnificent as the funeral ceremonies in honor of the deceased statesmen on December 9, 1852. No expense or effort was spared to make the affair notable in every detail. Special committees were formed to perfect the arrangements, and others to send out invitations to friends of the deceased everywhere to attend. The Grand Lodge of Masons of Louisiana issued a notice calling upon all of its members to honor the memories of "those distinguished statesmen and patriots, Brothers Henry Clay, John C. Calhoun, and Daniel Webster." Local representatives of Kentucky, South Carolina and Massachusetts, including the New England Society of New Orleans, also gave notice of their intention to participate in the event.

Preparations went on apace. Meetings were held almost daily by the various units invited to participate. As the date for the ceremony approached the weather became bad. All during Wednesday preparations for the next day's solemn ceremonies occupied thousands of rough and fair hands. There was a hushed stillness over the city in anticipation of the great and solemn event. All of Wednesday night, despite the drenching rain and cold, workmen labored by the light of torches to complete the magnificent Cenotaph designed by Mondelli, in the center of Lafayette Square. Made of wood and covered with painted can-

¹²³ New Orleans Courier, November 13, 1852.



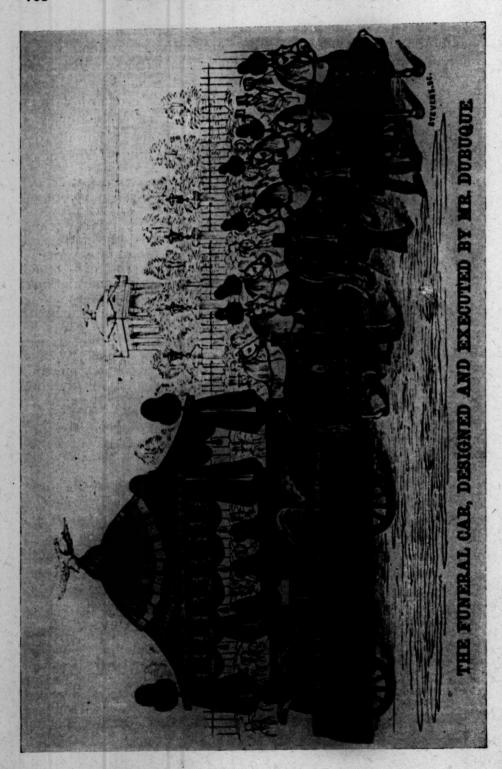
vas, it presented an imposing sight, representing as it did a magnificent marble edifice. In the center under the dome was a high altar covered with black velvet. The Cenotaph measured eighty-four by sixty feet, and was sixty feet in height. The dome was supported by four marble columns, and crowned with a golden eagle. A contemporary account, written especially by a committee to preserve the history of the affair, graphically describes the scenes on the streets on the morning of December 9th, thus:

Thursday the 9th opened with a cloud-dispelling breeze, which naturally assisted in drying the streets deluged by the rain of the night before. Row after row of windows and balconies, houses and store fronts displayed the sable and white insignia of mourning, some with elaborate designs in velvet, silk and linen. There were arches, columns, broad bands, rosettes, wreaths, banners, altars, urns, and statuary forming striking and beautiful tableau. There were many memorials greeting the eye in every direction. The flags of ships, steamboats, were at half mast; the bells of churches answered each other at measured intervals in sullen tones. The streets were thronged with thousands of men, women and children, most of them dressed as for a holiday, meeting in masses at the corners, but crossing or mingling without confusion or noise. Indeed the decorum was so great as to make unnecessary police control of their movements. Business was everywhere suspended. Great crowds surrounded Lafayette Square. The roofs and windows of the surrounding houses were packed with spectators. 123

Promptly at 11 A. M. the funeral procession began to move from Lafayette Square down Camp Street to Chartres Street. At its head was Colonel Charles A. Labuzan, as Grand Marshal, with General E. L. Tracy as his Assistant. The parade was in five grand divisions, and contained over five thousand marchers which included select delegates carrying banners and other emblems from the three native states of the deceased statesmen. But the principal object of the parade on which all eyes were focused is thus described by the same contemporary account:

The funeral car, designed by Mr. Dubuque, was the principal feature of the procession. It measured eleven feet long, eight feet wide and sixteen feet high. The bed or platform was a large shell covered with black velvet adorned with silver trimmings. Three bronze urns reposed on the shell bearing the names of the illustrious dead—Calhoun,

¹²³ History of the Proceedings in the City of New Orleans, etc., passim.



Clay and Webster. The car richly draped throughout with black velvet, edged with gold and silver, and the names of Calhoun, Clay and Webster in large silver letters hung on either side. Six gray horses with black velvet housings, studded with silver stars hauled the car. The pall bearers, thirty in number, each representing a State in the Union, marched in single file behind the car. The delegates of four each from Massachusetts, South Carolina and Kentucky, acting as chief mourners followed the pall bearers. 124

The procession took exactly one hour and forty minutes to pass a given point; in its length it was over a mile and a half, and the whole procession took two and a half hours to return to the starting point. The *coup d'oeil* of the long column and the spectators was truly a grand and impressive sight.

When the procession returned to Lafayette Square the three urns were solemnly removed from the funeral car and after appropriate ceremonies were deposited on the high altar of the Cenotaph. After the conclusion of the solemn benediction the huge crowd then dispersed in order to listen to the eulogies which were then pronounced on the memories of the deceased statesmen. At the Odd Fellows Hall Chief Justice George Eustis delivered the oration on Henry Clay, at the First Presbyterian Church the panegyric on Daniel Webster was pronounced by Christian Roselius, while at the Lyceum, on the third floor of the City Hall, Judge McCaleb spoke in memory of John C. Calhoun. All three places were richly and elaborately decorated with the accoutrements of mourning.

After the delivery of the eulogies the streets continued to be thronged with spectators. In the evening as the dark pall of the winter night descended, Lafayette Square was lighted with tall fixed torches in the form of a cross. The night was black and windy, and with the waving of the dark trees, the ghastly glare of the lights on the tall, gloomy Cenotaph, Lafayette Square presented a strange, impressive, and awing spectacle to the memories of the three great Americans. Thus ended a day forming a memorable episode in the history of New Orleans, of which, strangely enough, little is known.

On Sunday, January 16, 1853, the Clay Monument Association gave notice that on the following day it would commence receiving subscriptions to erect a monument in honor of Henry

¹²⁴ Ibid.

Clay, which was to cost not less than \$50,000, to be erected in one of the principal squares of the City. 125

In the three years following sufficient subscriptions were received to warrant the admirers of Clay in preparing for the laying of the cornerstone of the monument on Canal Street at the intersection of Royal-St. Charles streets. The seventy-ninth birthday of Clay, April 12, 1856, was selected as the date, and the committee in charge made elaborate preparations for the event.

Delegations of soldiers arrived from Mobile by steamer, landing at Milneburg, where they were received and given a reception by the Continental Guards. The visiting militia then came to the city by train debarking at Washington Square on Elysian Fields Avenue near the river where they listened to an address of welcome delivered by Captain Charles Didier Dreux, who, later was to gain the distinction of being the first Louisiana officer to give his life in the cause of the Confederacy. A procession was then formed which included other military units, various officials, members of the Fire Department, and fraternal societies, including the Masons. The parade was viewed by enormous throngs as it moved through the streets of the City, as far down as St. Ann Street, and as far up as Julia Street:

On arriving at St. Charles and Royal streets in the "neutral ground" of Canal Street, the ceremonies for the laying of the cornerstone began. This was done by the Grand Lodge of Masons of Louisiana because of the fact that Henry Clay had been a Past Grand Master of the order in Kentucky. Enclosed in the cavity of the cornerstone were biographies of Clay, by George D. Prentice and Calvin Colton, and, curiously enough, a copy of the Civil Code of Louisiana, together with other documents containing the names of the President of the United States and members of his Cabinet, and other dignitaries, together with copies of the daily papers. 126

The oration on the life of Henry Clay was then delivered by Judge Theodore H. McCaleb of the United States District Court. Then followed the reading by Captain Charles Didier Dreux of an address written by Madame Octave Walter Levert. In the evening the Mobile Artillery was tendered a banquet at

 ¹²⁵ New Orleans Courier, January 16, 1853.
 126 Henry C. Caltellanos, New Orleans as It Was (New Orleans: L. Graham, 1895), 277.

the St. Louis Hotel by the Continental Guards, after which they were escorted to the St. Charles Theatre where they were entertained with a gala stage performance.¹²⁷

At this point it might not be inappropriate to devote some attention to the men whose skill created the giant bronze figure of Henry Clay as it stands today in Lafayette Square.

Joel Tanner Hart, a native of Kentucky and born in 1810. was not related to Clay's father-in-law, Colonel Thomas Hart. Aside from his talents, Joel T. Hart had been a protege of Henry Clay who was the first to discover the genius of the artist, and obtained for him an appointment as bearer of dispatches in order to enable Hart to travel in Europe and study without unnecessary expense. 128 But the more important reason for his selection to design the statute of Clay was the fact that Hart had executed for the ladies of Richmond, Virginia, in 1846, a marble figure of Clay, and for which he had taken actual physical measurements of Clay, particularly with reference to his head. Hart also received a commission from the City of Louisville for \$10,000, to execute a second statute of Clay, which was followed by the one ordered by the Clay Monument Association of New Orleans to be cast, however, in bronze. The work on these statues was executed in Florence, Italy, and the commissions which Hart received from them soon made him independent.

On September 19, 1858, the *Daily Picayune* carried this note in its columns for the information of its readers:

We have received from our friend, the President of the Clay Monument Association, information respecting the statue of the "Great Commoner," which we communicate to our readers:

Late advices from Florence represent that the model of the statue, (twelve and a half feet tall), was finished in plaster and as soon as it is dry it will be sent to the foundry for moulding and casting. We learn that Mr. Hart has succeeded in his labor of love. We understand that the model now goes to Mr. Muller of Munich to be cast in bronze. 129

The granite blocks which formed the base and pedestal of the monument on Canal Street came by sea from Massachusetts, and their arrival gave the *Picayune* an occasion to publish a long editorial setting forth the many reasons which actuated the

¹²⁷ New Orleans Daily Picayune, April 13, 1856.
128 New Orleans Daily Delta, April 10, 1860.
129 New Orleans Daily Picayune, September 19, 1858.



people of New Orleans to specially honor the memory of Clay, among them being the assertion that it was Clay who, on March 26, 1810, introduced in the Senate the Bill to enable the people of the Territory of Orleans to form a State government. Unfortunately, latter-day researches among the records of Congress fail to find this to be correct.

Seven years after the death of Henry Clay, and three years after the laying of the cornerstone, Edward Parmele, on behalf of the Clay Monument Association, announced that the plans for the Clay Monument were on display at the office of W. A. Freret, No. 33 Carondelet Street, from which it is reasonable to assume that credit must go to that celebrated architect for the general design of the monument.¹³⁰

As completed, the monument was in the form of a circle fifty feet in diameter, surrounded with an iron fence, and a flight of hexagon-shaped granite steps, each one smaller than the other on which it rested, forming the foundation on which the pedestal and statue rested. The whole monument was about forty feet high.

Unlike the publicity given the arrival of the granite blocks, no particular notice seems to have been given to the arrival of the statue itself, but the ever-faithful *Picayune* did notice in its columns this important step in the history of the monument:

A large crowd witnessed the elevation of the Clay statue to its granite pedestal yesterday. It was done without accident. The attitude is that familiar one of the great Orator when addressing the Senate. The face is very properly made to face the river whose free navigation was made one of the principal articles in the Treaty of Ghent by the determined policy of Henry Clay.¹³¹

Appropriately enough, April 12, 1860, the eighty-third birthday of Henry Clay, was selected on which to unveil the completed monument. If the civic celebration incident to the laying of the cornerstone in 1856 had been elaborate, the ceremonies for the unveiling were designed to eclipse the former, and truly they did.

On the morning of the "inauguration" of the monument, as the article quaintly puts it, the *Daily Picayune* and the *Daily Delta* both contained long and highly eulogistic editorials on the

¹³⁰ New Orleans Courier, May 21, 1859.

¹⁸¹ New Orleans Daily Picayune, April 11, 1860.

life and achievements of the deceased statesman. In the same issue of the *Picayune* appeared the complete program for the great event. The ceremonies opened at 11 A. M. with a salute by the Washington Artillery. Then came the parade of military and civic organizations led by Colonel Joseph B. Walton, as Grand Marshal, with Colonel J. O. Nixon, as First Assistant Grand Marshal, and four grand divisions each headed respectively by Colonel A. W. Bosworth, Captain Charles Didier Dreux, Thomas L. Leeds and Norbert Trepagnier, as Assistant Grand Marshals. Some idea of the size of the parade may be gathered from the fact that each grand division averaged some nineteen subdivisions. Heading the principal division was Mayor Gerard D. Stith, while Governor Thomas Overton Moore headed that of the State Department. The parade took one and a half hours to pass a given point.

Among those participating was the Mystic Krewe of Comus which gave a small emblematic figure to be carried in the parade; but the outstanding exhibit was the appearance of a full-rigged ship, thirty tons in size, drawn by six horses. The model ship was manned by men and boys who furled and unfurled her sails, and at various points on the route guns on the vessel were fired. Along the hull was inscribed the well known sentiments of Clay—"The colors which float at our masthead are the only credentials of our seamen"—an allusion to Clay's dramatic outburst in his speech in the House of Representatives on January 9, 1813, condemning the impressment of American seamen by the British. The ship in question was an actual pleasure yacht belonging to a gentleman residing in the Third District which had been taken out of the lake for the occasion. 132

The dedication and unveiling was under the auspices of the Grand Lodge of Masons, and the orator of the day was William H. Hunt whose speech took one hour for delivery, concluding with this fervid peroration:

Fellow citizens of the United States, behold the figure of Henry Clay! The Orator of Liberty, the Champion of the Union, the foremost man in his time in the love, the confidence and veneration of his countrymen! Young and old, men and women, look all upon his noble features! I see as you do, the memories of the past rushing upon your heart—of his sublime sentiments—his self sacrificing and magnani-

¹⁸² Ibid., April 13, 1860.

mous spirit—his long and faithful service to the Republic. Let his precepts and example sink deep into your hearts, let them feed the holy flame of liberty within your bosoms!133

The Ode mentioned in the program was not given for lack of time. At night, to show off the statue, the newly-invented calcium lights of Professor Grant were thrown on the statue which lighted it up beautifully. A writer for the Daily Delta describes the heroic figure of Clay thus: "The statue is 12 ft. high and is very lifelike. The position is somewhat the same as that in which Clay is represented in the engraving of his speech in the Senate, the left hand resting on a pedestal, and the right hand extended gracefully."134

Among the notables present at the unveiling was Joel T. Hart, the sculptor of the statue. S. M. Moody, one of the prominent citizens, entertained some two hundred and fifty guests at a large dinner on his gallery to the accompaniment of popping champagne corks.

Possibly the most concise statement of the reasons for the crection of the Clay Monument appeared as an editorial in the Daily Delta on the morning of the unveiling, and which reads in part as follows:

In the center of the grand commercial emporium of that vast territory—in the maintenance of whose glory, rights and interests, he won his first trophies as an orator and statesman, . . . whose valor, fortitude and energy had redeemed this great valley from barbarism and waste, and made it the chosen abode of a new civilization and enterprise—on this spot where Spanish power once tottered and trembled at the murmurings which its narrow and selfish policy had created in the pent-up race of the North, aroused and stimulated by the trumpet tones of the great orator of the West to assert the natural rights of expansion and settlement of the productive and progressive races—here upon the very spot where American enterprise began to be engrafted upon the ancient system and society of France and Spain—where the results of the great policy, so vigorously championed by the young statesman of the Jeffersonian era, were first developed, here the statue of Henry Clay should stand, and be dwelt upon and honored of all men. 135

In the light of modern criticism as to the artistic merit of the Clay Monument, 136 it is interesting to observe that as soon as

¹³⁵ Ibid. 134 New Orleans Daily Delta, April 13, 1860. 135 Ibid., April 12, 1860. 136 Kendall, loc. cit., XXVI, 138.

the statue was unveiled it became the object of adverse comment upon the same score, because three days after the inauguration of the memorial which, seemingly, had met with general approval, the *Daily Delta* found it necessary to take notice of the matter thus:

Various criticisms have been passed upon the elevation of the Clay statue in Canal street since the inauguration on Thursday. The burden of the objections . . . are founded on the supposed inadequate elevation of the statue. Being, the objectors argue, of colossal dimensions, it should be placed on a support of proportionate size. We are inclined, however, to regard the present elevation as the most appropriate. . . . One critic of the work has communicated to us the impression it made upon him, . . . which, whatever may be thought of its critical justice, is certainly quite happy as an off-hand epigram:

Quoth Smith to Jones, with gravity invincible, "Sure the dead Clay betrays a living principle; For, as he stands, by architectural doom, Like a huge giant on a young mushroom, I must confess, I do not clearly see How this is aught but squatter sovereignty." 137

The sly innuendo in the foregoing doggerel to "Squatter Sovereignty," was a satirical and thinly disguised reference to the ingenious principle advanced by the advocates of slavery that the "squatters," or actual residents, of the Territories had the right under the Constitution, through their Territorial Legislatures, to decide whether slavery should be excluded or admitted when the Territory was given statehood by the Congress.

With the unveiling of the statue of Henry Clay on April 12, 1860, the people of New Orleans brought to a fitting climax their long association with a man who, unquestionably, was a supporter of slavery within the bonds of the Union of States. This political philosophy was the genesis of his notable "Compromise" laws dealing with the subject.

Exactly one year after the inauguration of this memorial to a man whom the South, and especially those of New Orleans, believed represented their views, came the fateful morning of April 12, 1861, when a Louisiana officer of the Confederacy, General P. G. T. Beauregard, ordered the guns of the South to fire on Fort Sumter thus marking the opening of that fratricidal struggle to solve by the clash of the sword, the crack of the rifle, and

¹⁸⁷ New Orleans Daily Delta, April 15, 1860.

the roar of cannon, that all-important issue which Henry Clay during his lifetime had striven so earnestly to settle by the peaceful method of law. Like his vain pursuit of the Presidency the guns of Fort Sumter declared that he had failed in his effort.

But at the time of the unveiling of the monument to this champion of the Union there was still a desperate hope that he had not failed and that the spirit of the Union still survived, as witness this excerpt from an Ode of Henry Clay McNairy, appearing in the Daily Delta:

This monument shall be
A shrine of Freedom, hallow'd all to thee,
And hence her pean will go gladly forth
To greet our brothers of the farthest North,
As one the South will by thy statue stand
And send the watchword, Union! thro' our land,
With this fond prayer, that with each coming day
Columbia's oracle shall be—her Clay!

With the devastating holocaust of the Civil War came four long and bloody years of battle and the people of the several States of the Union gave their blood and lives to settle the problem as to whether or not the Union should survive. All through the years of the bloody conflict which did not spare the citizens of New Orleans the statue of Henry Clay stood unperturbed on its lofty pedestal at the spot then called the "Hub of the City." On May 1, 1862, the thoroughly detested Major General Benjamin F. Butler of the Federal Army of Occupation landed and took control of New Orleans. A statement in the *Picayune Guide Book* of 1910 is authority for the assertion that, by order of Butler, a long extract from one of Clay's speeches was carved on the pedestal of the monument, but that in moving the monument to Lafayette Square in 1900, the original pedestal was destroyed and with it the alleged and, presumably, unpopular inscription.

When the City of New Orleans began its preparations in 1884 for the Cotton Centennial Exposition came the first discussion as to the advisability of removing the Clay Monument from its original location on Canal Street to the proposed Exposition grounds; and the following excerpt serves to throw additional light as to the alleged inscription cut by order of Butler on the monument, and why a new pedestal was substituted. After point-

¹⁸⁸ Ibid.

ing out that the monument in its present location was out of place, the article went on to say:

It may be asked why was it placed in its present location? When it was placed there a general plan of street improvement had been adopted, and the monument was to be the beginning of this program, to be followed, it was hoped, with those of Fulton, Calhoun and Webster.

But the War put an end to the plan, and when the City fell, ruthless Butler defiled the statue by cutting upon the granite pedestal words garbled from a speech of Mr. Clay, and our people no longer felt an interest in the thing, and the plan of improvement was abandoned.

Yet the statue still stands insulting every rule of good taste, in the way of traffic, so busy around it, and being utilized by sleeping tramps as a roosting place, or as a convenient snoozing quarters for lazy policemen and political bums. There is no property holder but who would rejoice if it was placed on a proper pedestal in the Park, (Audubon).

Situated in the Park, this statue might in time form the nucleus around which statues of other great citizens of the Union might be erected. Won't the managers of the Park do something about it? 139

Because of its prominent location the Clay Monument was always a favorite rendezvous for citizens who felt the urge to take some public action in a matter involving community interest. During the forenoon of September 14, 1874, an immense crowd gathered around the monument to listen to Judge Robert H. Marr and others who delivered fiery speeches denouncing the regime of Governor William Pitt Kellogg. At 2 P. M., in answer to pleas of Dr. J. Dickson Bruns and Dr. Cornelius Beard, the crowd reassembled, armed to start the Battle of September 14th which ended the regime of the Carpetbaggers. On March 14, 1891, another crowd assembled to listen to addresses by W. S. Parkerson, Walter D. Denegre and John C. Wickliffe. 140 and then proceeded to avenge the assassination of David C. Hennessy, the Police Chief of New Orleans, by the summary execution of the members of the Mafia charged, tried, and then acquitted of the crime.

As time went on, and possibly because of the faulty manner in which the original cornerstone had been laid, it became necessary to relay this portion of the monument. On April 16, 1895,

¹⁸⁹ New Orleans Daily States, January 23, 1884.
140 John E. Coxe, "The New Orleans Mafia Incident," in Louisiana Historical Quarterly, XX (1937), 1085-1087.

the statue was lowered from its base. The cornerstone was opened and the box replenished by the Masons under the direction of A. G. Brice, W.G.M., as presiding officer. Various city officials were present, including Mayor John Fitzpatrick.¹⁴¹ The statue was then replaced on a smaller pedestal, presumably for the purpose of removing the objectionable inscription cut on the original by order of General Butler.

With the passing years, the city having grown considerably in population, and the old-fashioned, leisurely and diminutive, mule-drawn streetcars having given way to the larger electric cars, it became necessary for the City Council to remove the monument as a traffic hazard, from its location on Canal Street to Lafayette Square. There was much discussion in the Council over the proposed removal, some of it serious, and some in a lighter vein as evidenced by the objection of one member of the Council who argued "that if the monument was moved some of the older members of the Council might walk into the river while looking for the Sazerac Saloon on Royal street." 142

It was therefore decided by Ordinance No. 181, N. C. S., adopted August 29, 1900, to move the monument, and on January 12, 1901, the ceremonies incident to its removal were held under the supervision of J. S. Zacharie, of the Council, as Chairman, and Messrs. Lambert, Brice, Todd and Cage, as a committee representing the Masons. The orator of the occasion of the relaying of the cornerstone was Carleton Hunt. The cornerstone was laid with a new copper box by Mayor Capdeville. An Ode to Henry Clay, written in his honor by John Greenleaf Whittier, was read by Bernard Shields. The cost of removing the monument to Lafayette Square amounted to \$4,068.66, the street car companies contributing \$3,000 of that sum.

From the foregoing it seems established that Henry Clay had a strong hold on the esteem and affection of the people of New Orleans no matter what may have been thought of him elsewhere. In addition to this historic monument to his memory, now located in Lafayette Square, the people of New Orleans are still reminded of Henry Clay in the naming of one of our principal avenues in the upper section of the City, and a public square bounded by Second, Third, Annunciation and Chippewa streets.

¹⁴¹ New Orleans Daily States, April 17, 1895.

¹⁴² New Orleans Daily Picayune, January 6, 1900.

¹⁴⁸ Sargent, op. cit., Appendix.

Possibly this admiration for the Kentucky statesman can best be summarized in this excerpt from one of his biographers writing of him in 1848:

"All my life long

I have beheld with most respect the man
Who knew himself and knew the ways before him,
And from among them chose considerately
With a clear foresight, not a blindfold courage,
And, having chosen, with a steadfast mind
Pursued his purposes."144

Such a man was Henry Clay. And in this regard the celebrated aphorism attributed to him in 1842 by Senator William C. Preston of South Carolina would seem apropos: "I had rather be right than be President.¹⁴⁵

BIBLIOGRAPHY

Biographies and Sketches of Henry Clay

(Anonymous), Life and Speeches of Henry Clay (Philadelphia: Leary and Getz, 1853).

Baldwin, Joseph G., Party Leaders; Sketches of Thomas Jefferson, Alexander Hamilton, Andrew Jackson, Henry Clay, John Randolph of Roanoke, Including Notices of Many Other Distinguished American Statesmen (New York: D. Appleton & Co., 1855).

Carrier, A. H., Monument to the Memory of Henry Clay (Cincinnati: W. A. Clark, 1859).

Colton, Calvin, The Life and Times of Henry Clay (2 vols., New York: A. S. Barnes & Co., 1846).

Colton, Calvin, Private Correspondence of Henry Clay (New York: A. S. Barnes & Co., 1855).

Hubbard, Elbert, "Henry Clay," in Little Journeys to the Homes of Great Men (East Aurora, N. Y., 1907).

Hutson, Ethel, "Henry Clay," in New Orleans Daily Picayune, April 10, 1910).

Mayo, Bernard, Henry Clay, Spokesman of the New West (Boston: Houghton Mifflin Co., 1937).

Rogers, Joseph M., The True Henry Clay (New York: Lippincott & Co., 1904).

Sargent, Epes, Life and Public Services of Henry Clay [Edited by Horace Greeley] (New York: C. M. Saxton, 1858).

Schurz, Carl, Life of Henry Clay (2 vols., New York: Houghton Mifflin Co., 1888).

¹⁴⁴ Ibid., 320.

¹⁴⁵ Schurz, op. cit., II, 169.

Stone, Irving, They Also Ran; the Story of the Men who Were Defeated for the Presidency (New York: Doubleday, Doran & Co., 1943).

Orations on Henry Clay

- Hunt, Carleton, in New Orleans Daily States, January 11, 1901. Hunt, William H., in New Orleans Daily Delta, April 13, 1860.
- McCaleb, Theodore H., in New Orleans Daily Picayune, April 13, 1856.
- Parmele, Edward, in New Orleans Courier, November 13, 1852.

Newspapers

- New Orleans Bee.
- New Orleans Courier.
- New Orleans Daily Delta.
- New Orleans Daily Picayune.
- New Orleans Daily States.
- New Orleans Times-Democrat.

Periodical Articles

- Adams, Reed McC.B., "New Orleans and the War of 1812," in Louisiana Historical Quarterly, XVI (1933), 221-234, 479-503, 681-703; XVII (1934), 169-182, 349-363, 502-523.
- Coxe, John E., "The New Orleans Mafia Incident," in Louisiana Historical Quarterly, XX (1937), 1067-1110.
- Greer, James Kimmins, "Louisiana Politics, 1845-1861," in Louisiana Historical Quarterly, XII (1929), 381-425, 555-610; XIII (1930), 67-116, 257-303, 444-483, 617-654.
- Kendall, John Smith, "New Orleans' Miser Philanthropist: John McDonough," in Louisiana Historical Quarterly, XXVI (1943), 138-161.
- Padgett, James A., (ed.), "Letters of James Brown to Henry Clay," in Louisiana Historical Quarterly, XXIV (1941), 921-1177.
- Padgett, James A., (ed.), "Some Letters of James Brown to Presidents of the United States," in Louisiana Historical Quarterly, XX (1937), 58-136.
- Pilcher, Joseph Mitchell, "Daniel Webster in Louisiana History," in Louisiana Historical Quarterly, V (1922), 478-492.
- Tregle, Joseph George, Jr., "Louisiana and the Tariff, 1816-1846," in Louisiana Historical Quarterly, XXV (1942), 24-148.
- Winston, James E., "Louisiana and the Annexation of Texas," in Louisiana Historical Quarterly, XIX (1936), 89-118.
- "Resolutions adopted by the Supreme Court of Louisiana, relative to the death of Henry Clay, (July 3, 1852)," in Publications of the Louisiana Historical Society, V (1911), 142-145

Miscellaneous Source Material

- Annals of Congress: The Debates and Proceedings in the Congress of the United States, (1789-1824) (42 vols., Washington; 1834-1856).
- Benton, Thomas H., Thirty Years View, or, A History of the Working of the American Government for Thirty Years, from 1820 to 1850 (2 vols., New York: D. Appleton & Co., 1856).
- Bowers, Claude G., Party Battles of the Jackson Period (New York: Houghton Mifflin Co., 1922).
- Castellanos, H. C., New Orleans As It Was (New Orleans: L. Graham, 1895).
- Channing, Edward, A History of the United States (6 vols., New York: Macmillan Co., 1905-1925).
- Coleman, William H., (comp.), Historical Sketch Book and Guide to New Orleans and Environs, with Map (New York: W. H. Coleman, 1885).
- Creole Tourist Guide to New Orleans, (1910).
- Garland, Hugh A., Life of John Randolph of Roanoke (New York: D. Appleton & Co., 1851).
- Gayarré, Charles, A History of Louisiana (4 vols., New Orleans: Armand Hawkins, 1885).
- Hart, Joel Tanner, Sketch of, in Dictionary of American Biography, VIII, 358-359.
- History of the Proceedings in the City of New Orleans—Funeral Ceremonies in Honor of Calhoun, Clay and Webster, December 9, 1852 (New Orleans: Picayune Print Office, 1853).
- Kendall, John Smith, History of New Orleans (3 vols., Chicago and New York: Lewis Publishing Co., 1922).
- M'Caleb, Thomas, (ed.), The Louisiana Book: Selections from the Literature of the State (New Orleans: R F. Straughan, 1894).
- Norton, Leslie Murray, "History of the Whig Party in Louisiana" (MSS. Ph.D. dissertation in Louisiana State University Library).
- Picayune Guide Books (1897, 1900, 1903, 1910).
- Rightor, Henry, (ed.), Standard History of New Orleans (Chicago: Lewis Publishing Co., 1900).
- Stanwood, Edward, A History of Presidential Elections (Boston: James R. Osgood & Co., 1884).
- Supreme Court of Louisiana Reports: "Isaac T. Preston, Testamentary Executor of James Brown vs. Francis A. Humphreys and Others," 5 Robinson Reports, 299.

THE POLITICAL CAREER OF SENATOR DONELSON CAFFERY*

By Lucile Roy Caffery

CHAPTER I

INTRODUCTION

Antecedents—Birth—Early Life and Education—Civil War— Practice of Law and Sugar Planting—Marriage.

When the political career of a man combines honor, courage, independence of thought, reverence for ideals, a keen and logical intelligence, a complete lack of personal ambition, and, withal, a frank and charming simplicity, one may well pause to study that career. There is a distinct desire, however, to know more of the man himself— as a husband, a father, a wise counsellor and friend— a desire that is circumscribed by the relatively narrow scope of this study.

Donelson Caffery came from a race of pioneers and patriots. His ancestors were Scotch-Irish who settled in Bedford County. Virginia, in 1745. His grandfather, Captain John Caffery, who had been sheriff of Bedford County, left Virginia with Colonel John Donelson, when the latter undertook to conduct, by boat, part of James Robertson's expedition in western Tennessee, in the winter of 1779-1780. They were among the very first settlers in the Nashville Basin. Colonel Donelson, prior to this, had been a member of the Virginia House of Burgesses, with Washington, Jefferson, Henry and Lee, and signed with them the first Remonstrance of Right to the English crown.

After the expedition reached Tennessee, Captain Caffery married Mary Donelson, the daughter of Colonel Donelson. (Her sister, Rachel, later became Mrs. Andrew Jackson.) Donelson Caffery, the son of John and Mary Caffery, as a young man, moved from Tennessee to Louisiana in the early part of the nineteenth century, and established himself as a sugar planter in St. Mary Parish. That he took part in the political life of the community is evidenced by the fact that at one time he was parish judge. He was married, at Oak Lawn Manor, to Lydia Murphy,

^{*} Master's thesis in History, Louisiana State University, 1935.

¹ Donelson Caffery, Collected and Reprinted from the St. Mary Record on Jan. 5, 1907, and Presented by the Record to Mr. Caffery's Family, (A Pamphlet); Constance Lindsay Skinner, Pioneers of the Old Southwest, 186-194.

a daughter of John B. Murphy, sheriff of St. Mary during the 1830's.² Of this union Donelson Caffery was born, September 10, 1835. His entire youth was spent in Louisiana, except while he was away attending St. Mary's College in Baltimore. After graduation, he studied law at the University of Louisiana, in New Orleans, and though he was admitted to the bar in the 1850's, he devoted himself entirely to sugar planting, having purchased a plantation, "Ivanhoe," on Bayou Cyprémort.

He was twenty-five years of age when the Civil War came, and while he ardently opposed secession, he entered the service of the Confederacy, where he served with courage and distinction. He fought at the Battle of Shiloh, serving in the St. Mary Volunteers, which was a portion of the Thirteenth Louisiana Regiment, commanded by Colonel Randall Gibson. After Shiloh, Caffery served as First Lieutenant in the First Louisiana Regulars, on detailed duty, as a staff officer of General W. W. Walker. He served in this capacity until the end of the war.

When hostilities finally ceased, Mr. Caffery returned to St. Mary Parish. There he found it impossible to hold on to his property, so burdened was it with mortgages. He abandoned sugar planting and became clerk of court of his parish, a position he held for about six months and from which he obtained sufficient funds to continue his study of law. He took the bar examination in New Orleans, in 1866, and began the practice of his profession. In this he made a success from the beginning, exhibiting then the oratorical ability and logical thinking that later gained him national renown.³

It was in the early 1870's before the surplus from his law practice enabled him to resume sugar planting. Not only was it an attractive business following the Civil War, but he knew something of sugar growing and manufacturing, and had a natural desire to own his father's old plantation. The main business of his life was law; at this he made his living. Sugar planting was more of a side line and a recreation for him. His prominence in sugar planting was largely reflected from his prominence in law and politics, though being a student, his technical knowledge of the business made him a prominent member of any gathering of Louisiana sugar planters. By 1890, when he began to be out-

² Donelson Caffery (Pamphlet); Interview with Mr. John Caffery, son of Donelson Caffery (February, 1935).

³ Dictionary of American Biography, III, 402-403; New Orleans Times-Democrat, December 31, 1906; New Orleans Daily Picayune, December 31, 1906.

standing in the politics of the state, he was considered an average-size planter.4

In 1869, he was married to Bethia Richardson, daughter of Francis D. Richardson, a well-known sugar planter. He became the father of nine children, and his devotion to his wife and children forms in itself a separate story.5

CHAPTER II

IN LOUISIANA POLITICAL LIFE

Carpetbag Regime—Constitutional Convention, 1879—Anti-Lottery Campaign—In the Louisiana Senate—Appointment and Election to the United States Senate.

After Donelson Caffery began the practice of law, he devoted much of his time to his profession, but found time to join earnestly and forcefully in the movement to rid Louisiana of its carpetbag government. During this period he and several of his neighbors were sued in the United States Court (New Orleans), by J. Hale Sypher, whom they were charged with attempting to drive from the state because he was a carpetbagger and of Northern birth. Sypher was an energetic Republican who served many terms in the Louisiana Legislature as senator from St. Mary Parish.2 Caffery undertook to defend himself and his confrères, and delivered a speech of "eloquence and stinging denunciation" which is conceded to have had much influence in their unanimous acquittal.3 At some time during the carpetbag regime, he was defeated for the State Senate by a Negro, Isaac Sutton by name.4 In 1876, he took an active part in the national, state and local elections in St. Mary Parish, which he called a "stronghold of radicalism," and in which the Republicans counted on a majority of 1,800 votes.6 Caffery, and other Democratic workers, bent their energies toward winning Negroes away from the Republican Party into the Democratic ranks.7 The Republicans, however, secured a majority in St. Mary, as they did throughout the state.8

Dictionary of American Biography, III, 402.
Times-Democrat, December 31, 1906.

[&]quot;Letter from Mr. John Caffery, Franklin, La., to the writer, June 29, 1935.

² Louisiana Senate Journal, 1872, 1873, 1874, 1875, 1876; New Orleans Republican, January 5, 1876.

³ Times-Democrat, December 31, 1906.

⁴ Interview with Mr. John Caffery

New Orleans Democrat, August 30, 1876.
New Orleans Republican, October 22, 1876.
New Orleans Democrat, August 30, 1876.
New Orleans Republican, December 6, 1876.

Caffery's next venture into politics was in 1879; he was elected a member of the Constitutional Convention called for April 21. The Convention was looked upon as the "most important body convened in the State since the Civil War," for it would have to root out the foundations of carpetbagism in Louisiana.9 One of the chief questions of the day, and one for the Convention to settle, concerned the state's public debt, that had been contracted during the carpetbag regime of Governor Kellogg. The question was whether the debt should be repudiated or guaranteed. There were some who felt that repudiation was the only course that was just and honorable, from the standpoint of the Louisiana taxpayers. On the other hand, there was a large group who felt that repudiation of the debt was morally, as well as legally and economically, wrong, and that such an act was "calculated to destroy the bonds of society and to teach faithlessness, falsehood and fraud as proper rules of conduct."10

Mr. Caffery's interest in the burning issue of the state debt was enhanced by the fact that he was appointed a member of the Committee to Investigate the State Debt. 11 When the Committee made its report, June 1, 1879, it recommended repudiation of about five-sixths of the debt. This majority report was made by Captain E. E. Kidd, Chairman of the Committee, but the minority, of which Mr. Coffery was a member, brought in a report setting forth their belief that the debt should be completely guaranteed. The following phrase struck the keynote of the report: "The mind is dazed by the annulment of nearly \$12,000,000 of bonds by the stroke of the pen. . . ."12 Within a few days, debate began on the question, and many strong arguments were advanced on both sides.13 One of the outstanding speeches was delivered by Mr. Caffery on June 12, 1879.14

The chief points in his lengthy discourse are summarized as follows:

First, the Constitutional Convention had no right to go into a judicial inquiry as to the validity of the state's debt, for the Convention was charged with the specific duty of framing a Constitution, and had no power to arrogate to itself the province of courts.

New Orleans Times, April 21, 1879.
 Ibid., May 3, 1879; Daily Picayune, May 11, 12, 13, 1879.
 Journal of the Louisiana Constitutional Convention, 1879, p. 23.

Ibid., Appendix, 103-113.
 Daily Picayune, June 11-18, 1879.
 Ibid., June 13, 1879; New Orleans Times, June 13, 1879.

Second, the Kellogg government, which contracted the debt (by the Act of 1874 and the amendment of 1875) had been recognized by President Grant, and its representatives and senators had been admitted to Congress, an act which in itself recognized as constitutional the form of government established in the state. From this there was no appeal even in the Federal courts.

Third, even if the Act of 1874 and the amendment of 1875 were not binding, the Nicholls government, which was inaugurated in 1877, ratified and adopted them. Admitting that the government was one of brute force, that it was purely revolutionary, the fact remained that the Nicholls government had power to speak, and when it pledged the faith of the state, the acts were binding.

Fourth, the bonds could be invalidated on fraud, but there had been no inquiry whatever, not a single witness had been examined nor had any evidence been adduced to prove fraud. It was, therefore, impossible to say to the bondholders, ". . . we, the sovereign, say that you have nothing but a lot of fraudulent paper."

Fifth, the good name of the state had to be maintained, and to do this the state had to stand by its obligations, the tyranny, the misdeeds and the lavish prodigality of the carpetbag regime notwithstanding. Mississippi was an illustration of a state that could "not borrow a cent."

In concluding his arguments Mr. Caffery said that on first thought he had been convinced that the debt was fraudulent, but study and reflection had convinced him otherwise. He urged the members of the Convention to get in touch with their constituents and carefully explain to them the points at issue.¹⁵

This speech received unconditional praise from all those opposed to repudiation. It was called the "hit" of the session, and when Mr. Caffery died, nearly thirty years later, it was still referred to as probably the greatest speech of his whole career and the single greatest influence in the Convention's decision to guarantee the debt. The advocates of repudiation ridiculed Mr. Caffery's "legal scruples," and accused him, and those

¹⁵ New Orleans Times, June 14, 1879.
16 Dawy Picayune, May 13, 1879, December 31, 1906; Times-Democrat, December 31, 1906.

who felt as he did on the subject, of profiting somehow in the matter.¹⁷

Even before he delivered this address, Mr. Caffery had been praised for his work in the Convention by the press and by personal compliments. He expressed himself on the subject as follows: "... these things have but little weight, as I have determined never to go into politics—I can never get any nomination for office without stooping to the low arts of an intriguer, and I will not do that..." 18

In spite of these sentiments he was drawn into state politics over the question of the Louisiana State Lottery, about 1890. This institution had obtained such a foothold in Louisiana that it was dominating every phase of the state's political life. It had subsidized every leading newspaper, as well as nearly the whole of the country press of the state.19 The anti-lottery faction found it necessary, in 1890, to establish an organ for disseminating its views. This paper, the New Delta, began a relentless campaign against the lottery.20 During 1891, it became apparent that the fate of the Louisiana Lottery would be decided in the elections of the spring of 1892, for at that time not only was a governor to be elected but the so-called Lottery Amendment was to be presented to the voters for their approval. This amendment provided for giving the state the power to charter the Louisiana State Lottery Company for a period of twenty-five years and to charge a license tax of \$1,250,000 annually.21

In the fall of 1891, therefore, we find Mr. Caffery taking an active part in the anti-lottery campaign. He worked in behalf of the candidacy of his cousin, Murphy J. Foster,²² for governor, and for the defeat of the pending amendment which would saddle the lottery on the state for twenty-five years to come. Much of Mr. Caffery's attack was directed against John A. Morris, the president of the Lottery Company, and its guiding star. Caffery warned the voters of the terrible danger that lurked behind the lottery question. The money the state was to receive as the license

¹⁷ New Orleans Morning Star and Catholic Messenger, quoted in Opelousus Courier, June 21, 1879.

Letter from Donelson Caffery to his wife, June 3, 1879.
 Interview with Mr. John Caffery; Interview with Mr. V. L. Roy.

²⁰ B. C. Alwes, "The History of the Louisiana State Lottery Company," (M. A. Thesis, Louisiana State University, 1929), 142.

²¹ Ibid., 186.
²² Murphy J. Foster's mother and Donelson Caffery were first cousins. Interview with Mr. John Caffery.

tax was to be used for schools, for levees and for charity; of this Mr. Caffery said: "They [the Lottery Company] parade as saints and almoners of the poor, as educators of the young . . ., education by imprinting on the young minds the glory of the lottery in general and the Louisiana Lottery in particular." He pointed out the fact that it proposed to own and control the state absolutely, and to maintain this position they must own the Legislature. To approve the Lottery Amendment, Mr. Caffery said, was to put "our necks under the yoke of an organized band, not of gamblers, but of robbers."²³

When the Democratic State Nominating Convention met in Baton Rouge, December 16, 1891, the anti-lottery faction, of which Mr. Caffery was a member, bolted, and nominated Murphy J. Foster for governor, while the "regular" (lottery) Democrats nominated S. D. McEnery, the avowed political champion of the Lottery. The press accused "Messrs. Foster, Caffery, Parlange [candidate for lieutenant-governor] and other fanatics" of going to the Convention to get office at all hazards. They were further accused of having profited by the lottery. If the accusation applied to Mr. Caffery, it was probably based on the fact that an enormous sugar refinery recently had been erected about two hundred yards from his front door by John A. Morris, and named the Caffery Central Refining Company. There is no evidence to show for what purpose it was placed there, but it is known that Mr. Caffery never owned a dollar of its stock. 25

The campaign was waged with all the abuse and invective that the situation seemed to call for. In one of its phases it took a new turn when, on February 1, 1892, the United States Supreme Court handed down a decision upholding the constitutionality of the Anti-Lottery Postal Law.²⁶ Two days later, Morris, in a letter addressed to the "People of Louisiana," announced that he and his associates withdrew the amendment—that even if it passed, the Lottery Company would not accept a charter under it.²⁷ This action, which apparently "stole the thunder" of the Fosterites, did not cause any abatement in the

24 Times-Democrat, December 21, 1891.

27 Times-Democrat, February 4, 1892.

²³ Mr. Caffery addressed the voters of the 14th Ward in New Orleans on October 1, 1891. New Orleans New Delta, October 2, 1891.

²⁵ Interview with Mr. John Caffery; Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, p. 1667.

²⁰ Times-Democrat, February 2, 1892. Congress passed a law in 1890, prohibiting the use of the mails for lottery purposes. New Delta, August 19, 1890.

interest or bitterness of the campaign. Finally, however, the two Democratic factions agreed to a "primary election of the white Democratic voters of the State," on March 22, in order to have but one Democratic candidate in the field.28 The day after the primary, the New Orleans press announced the victory of McEnery, and his whole ticket; 29 however, the results of the election were contested, a committee of seven was appointed to re-count the votes, and the election was conceded to Foster and his ticket.30 The Fosterites were accused, by the press, of every known political machination, and when Foster was successful in the general election in April, one newspaper said it was the "culmination of the worst series of political frauds that has ever disgraced Louisiana."31

In this election Mr. Caffery was elected one of the two senators from the Tenth Senatorial District, and a member of the Democratic State Central Committee from St. Mary Parish.³²

The General Assembly of Louisiana met in its regular session from May 9 to July 7, 1892. Mr. Caffery was appointed on several standing committees, the most important being the Judiciary Committee, of which he was chairman.33 In his capacity as chairman of this Committee his duties were numerous and he was called upon to report practically all the bills referred to it for consideration.34

This legislative session was rather lacking in important constructive legislation; its most important achievement was its work on the subject of levees and levee districts, which was regarded as thorough and complete.35 In this Mr. Caffery took an active part, as, indeed, he did in all public questions.³⁶ He supported vigorously a measure granting to the New Orleans Polyclinic (a private institution for the training of doctors) the privilege of visiting the Charity Hospital, and there instructing its own medical students in the presence of disease. This was a right enjoyed by the Tulane Medical School. The Hospital bitterly opposed extending this privilege to the Polyclinic, 37 but

Ibid., February 21, 1892.
 Ibid., March 23, 1892.

³⁰ Ibid., April 6, 1892. 31 Ibid., April 22, 1892. 32 Ibid., March 28, 1892. 33 Ibid., May 20, 1892; Louisiana Senate Journal, 1892, p. 35.

Tota., May 20, 1892; Louisiana Senate Journal, 1892, 34 Louisiana Senate Journal, 1892, pp. 35, 115, 123, 131.
 Times-Democrat, July 8, 1892.
 Ibid., May 14, 28, 1892.
 June 3, 1892.

a bill, with some reservations, was enacted, 38 after causing a good deal of press comment.39

An anti-trust bill received Caffery's support: he argued that other states had similar laws and that he hoped a Louisiana Legislature "would never vote against a bill prohibiting combinations in restraint of trade." He believed that there was a combine in New Orleans every year to depress the price of sugar.40 He opposed a House concurrent resolution advocating the direct election of United States Senators. He took the stand that the theory of government was that senators were not to represent the people, but the states, and this was best accomplished if they were elected by the Legislature.41 He sponsored a bill providing for the contesting of elections,42 and several measures for changing certain points in the Civil Code of the state.43

One reason why this session of the General Assembly seemed so unproductive was due to the fact that it was charged with the duty of electing a United States Senator to succeed Senator Randall Gibson, whose term was to expire on March 4, 1895.44 It failed to perform this task though it devoted much time to it, and to that extent interfered with legislation. In spite of the fact that in joint session it balloted every day, a hopeless deadlock occurred and it adjourned without having elected anyone.45 In the early stages of the balloting Mr. Caffery was one of the five men who seemed to have a chance to be elected, 46 and it was generally known that his candidacy had the very active support of his cousin, Governor Foster. 47 The latter was accused of using the patronage in Caffery's behalf—an expediency, which if true, certainly did no good.48

And so matters stood when Senator Gibson died on December 15, 1892.49 On December 31, Governor Foster appointed Donelson Caffery to complete Senator Gibson's unexpired term, during the recess of the Legislature. The appointment apparently gave the greatest satisfaction to the press and to the public. Caffery

³⁸ Ibid., July 5, 1892. 39 Ibid., June 3, 6, 8, 1892; New Delta, June 1, 1892. 40 Times-Democrat, July 7, 1892. 41 Ibid., July 6, 1892.

Louisiana Senate Journal, 1892, p. 137.
 Ibid., 1892, p. 90; Times-Democrat, June 24, 1892.
 Louisiana Senate Journal, 1892, p. 35

⁴⁵ Times-Democrat, July 8, 1892.

⁴⁶ Louisiana Senate Journal, 1892, pp. 47, 56.
47 Times-Democrat, May 10, 1892.

⁴⁸ *Ibid.*, May 13, 1892. 49 *Ibid.*, December 16, 1892.

was praised in the most eulogistic terms and the governor was congratulated on his judicious choice of "a man whose decision of character, fertility of resource, and indomitable spirit of enterprise would carve a way for him wherever fortune landed him or circumstance placed him."50 Mr. Caffery proceeded to Washington where he was sworn into the United States Senate, January 14, 1893.51

The Louisiana Legislature did not meet again until May, 1894, at which time it was again called on to act on the senatorial question. Mr. Caffery was concerned in two distinct elections at this time: one, to fill the remainder of Senator Gibson's unexpired term; and the other, to elect a Senator for the term beginning March 4, 1895, and ending March 4, 1901.52 On the first day of the session. May 14, 1894, the Legislature elected Mr. Caffery for the March 4, 1895-March 4, 1901, term, by a three to one vote.53 Not much surprise was expressd, as he had proved his ability beyond a doubt during the sixteen months he had served his state in the Senate.54 And then, on May 22, he was elected to fill the unexpired term of Senator Gibson (May 22, 1894, to March 4, 1895).55

CHAPTER III

SILVER

Special Session of Congress-Maiden Speech in the Senate-Repeal of the Sherman Act-Sale of United States Bonds-Campaign of 1896—"The New South" Speech—Campaign of 1900.

Probably no peace-time President was ever faced with more difficulties than confronted Grover Cleveland when he became President for the second time, on March 4, 1893. The financial crisis of that year was one of the severest the country has ever experienced; trade and industry were disorganized and every phase of industrial life was affected.

One of the most pressing problems was the rapid decrease in the gold reserve, after 1890. This was due to innumerable and complicated factors. For one thing, a complete change in the kind of money received as revenue by the government had

⁵⁰ Ibid., January 1, 1893.
⁵¹ Congressional Record, 52 Cong., 2 Sess., XXIV, Pt. 1, p. 553.
⁵² Daily Picayune, May 14, 1894.
⁵³ Louisiana Senate Journal, 1894, p. 8.
⁵⁴ Times-Democrat, May 15, 1894; Daily Picayune, May 15, 1894.
⁵⁵ Louisiana Senate Journal, 1894, p. 61.

taken place: Treasury Notes (issued in payment for silver) and United States Notes (greenbacks) had replaced, to an alarming degree, payments in gold and gold certificates. This was due, in part, at least, to the policy of the government, after 1890. of settling its clearing-house balances with Treasury Notes instead of gold. Banks thus deprived of their usual supply of gold sought, in turn, for a supply of it at the Treasury, by presenting the notes of the government. Thus by April, 1893, the gold reserve stood at \$4,000,000 below the \$100,000,000 mark adopted by public sentiment. Just at this juncture the mints of India were closed to the free coinage of silver; the price of silver bullion fell, and the belief developed that somehow the whole financial problem was associated with the coinage of silver.1

In spite of the gravity of the situation, it was June 30, 1893. before Cleveland called a special session of Congress to meet on August 7. The proclamation for the call stated that the specific duty of the session was to relieve the people "through legislation from present impending danger and distress."2 In his message to Congress, the President asserted that the unfortunate financial plight of the country was "principally chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government"—that is, the Bland-Allison Act of 1878 and the Sherman Act of 1890, and recommended that it be repealed.3 Although repeal might not solve the financial problem, it was thought by many that it would prove to be a powerful factor in lightening the depression and restoring confidence.4

Uncertainty as to the anti-Silver majority in Congress existed; for the issue cut across party lines, and there were elements in both parties that had to be held together somehow in support of the President's proposition.⁵ The Senate Finance Committee reported (August 18) a repeal bill providing for the repeal of the purchasing clause of the Sherman Act, and containing a corollary declaring in favor of bimetallism.6 Meanwhile, the House had its repeal bill reported, had engaged in "a brilliant display of forensic fireworks," and on August 28, the Wilson repeal bill passed by a majority of over one hundred. Interest then shifted to the Senate, where that body proceeded to debate its own measure.7

¹ D. R. Dewey, Financial History of the United States, 441-445.

² Daily Picayune, July 1, 1893.

³ Ibid., August 9, 1893.

⁴ Times-Democrat, August 9, 1893.

⁵ Ibid., August 17, 1893; Dewey, op. cit., 445.

⁶ Daily Picayune, August 19, 1893.

⁷ Ibid., August 27, 29, 1893.

On August 31, 1893, Senator Caffery⁸ delivered his maiden speech in the United States Senate in support of the Voorhees Bill,⁹ and made a powerful appeal for unconditional repeal.

Caffery first drew a picture of the unprecedented economic condition of the country—a country whose wealth totaled \$63,-000,000,000, whose farms and factories were productive, whose banks were solvent, and yet which was faced with an acute business paralysis, with distrust and lack of confidence on the part of the people, and with unemployment. The cause of this situation, as stated by the President in his message, was to be found in the purchasing clause of the Sherman Act. Caffery pointed out that there had been a disposition to turn this question into one of antagonism between different classes; but this was a problem that concerned rich and poor alike—"the millionaire and the pauper, the man of pleasure and the toiler." The problem was academic and scientific rather than political and moral.

Mr. Caffery listed the following economic axioms, and on these he premised his arguments:

First, That value exists independent of government and cannot be created by it.

Second, That after a people advance beyond the barter period they must have a measure of value, which is also a medium of exchange, but not exclusively.

Third, That history shows that the selection of this measure depends on the stage of civilization of the particular people—shells, skins, cattle, copper, etc., preceding the use of gold and silver.

Fourth, That where gold and silver circulate as money under a legal ratio, the cheaper metal supersedes the dearer and drives it out of circulation.

Fifth, That the measure of value must have value; hence that an ideal intellectual measure is impossible.

The financial history of the United States was then traced with great care and intelligence, and the inexorable workings of Gresham's Law—Caffery called it "the law of common sense"—were emphasized. He next turned to France for purposes of

<sup>Senator Caffery first took his oath of office in the United States Senate on January 14, 1893, served till the end of that session, March 4, 1893, and then on to March 4, 1901.
The Senate's repeal bill was called the Voorhees Bill due to the fact that Senator Voorhees was chairman of the Finance Committee. Daily Picayune, August 26, 1893.</sup>

comparison, and illustrated how impossible it was for that country to remain on a real bimetallic basis, though legally that was its status. France maintained the parity of its silver with gold, not because it was legally bimetallic with a ratio fixed at $15\frac{1}{2}$ to 1, but by "impliedly pledging" her faith. The point was made that in the United States, eighty times as much silver had been coined since 1873 as had been coined from 1792 to that date, but even this enormous coinage had not availed to keep the market price of silver from plunging lower and lower.

In turning to the contention that the Democratic platform had been violated by the advocacy of repeal of the Sherman Act, Mr. Caffery carefully analyzed the platform which was specific on this point: "We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of both metals must be of equal intrinsic and interchangeable value." Mr. Caffery said that "coinage" did not mean "free coinage," for that would inevitably mean the silver standard and not the bimetallism advocated in the platform. A silver standard could not be thought of, for all of the commercial countries of the world had gone on a gold standard; the United States would be held up for derision; untold difficulties and embarrassment would arise in domestic as well as in international trade and exchange; commerce would be disordered, and the foundation of sound finance shaken.

The last hope of bimetallism, therefore, was in international agreement, but even that hope would be destroyed if the purchase of silver continued, for the gold supply of the United States would be so depleted that she would not be in a position to enter into any sort of bimetallism agreement with other nations.

Mr. Caffery said that the greatest mistake of all was to assume that the financial embarrassment was caused by a scarcity of money. He said: "Too much silver is the cause of the trouble. Stop buying it and restore confidence." Ninety-five percent of our exchanges were effected by credit and credit was based on confidence, without which commerce would languish and business would be paralyzed. Money was a commodity that flowed where it was wanted; there was nothing to show that the United States did not have enough money—the mere fact that

\$149,000,000 in gold had been exported in four months was proof that we had too much.

Mr. Caffery was not unaware of the political consequences of the sentiments he had voiced in his speech, for in conclusion he said: "It may be my fate to feel the temporary weight of the forces of inflation. It may be that the star of my political life, just rising above the horizon, will be eclipsed in darkness by reason of my vote, but, sir, come what may, I shall stand fast to a conviction that I would be recreant to my duty and my oath should I add one pang to poverty or one tear to want; should I give the people a currency that would refuse to toil its recompense or capital its reward."10

Mr. Caffery received the highest praise; it was not only for his "well-informed, bold and eloquent" address, 11 but for the courage and firmness with which he expressed his convictions.12 One newspaper said: "His speech was at once condensed and eloquent. The body [Senate] has not heard an abler argument more happily put."13 Praise was not wanting even from those who could not agree with his tenets.14

The Voorhees Bill dragged on in the Senate, consuming time in wordy and voluminous debate which should have been devoted to action, 15 and which caused more anxiety and uncertainty than the defeat of the bill would have caused. The silver people resorted to efforts to effect a compromise, and on one occasion there was a continuous session of thirty-eight hours.16 The silverites were now resorting to obstructive tactics, and thus a session began which was to last fourteen days without adjournment.17 In the meanwhile, the bill's steering committee attempted another compromise that provided for the silver purchases to continue for one year longer, and seemed hopeful of getting a majority to support it.18 But the compromise completely collapsed because of the obduracy of the President and seven Democratic Senators, of whom Mr. Caffery was one. He expressed himself as opposed to any compromise which did not settle the controversy over the monetary question as far as the Democrats

¹⁰ Congressional Record, 53 Cong., 1 Sess., XXV, Pt. 1, pp. 1097-1101.

11 Times-Democrat, September 2, 1893.

12 Daily Picayune, September 1, 1893.

13 Washington Post, quoted in Daily Picayune, September 2, 1893.

14 Daily Picayune, September 2, 1893.

15 Ibid., September 28, 1893.

16 Ibid., October 14, 1893.

17 Ibid., October 17, 1893.

18 Ibid., October 20, 22, 1893.

¹⁸ Ibid., October 20, 22, 1893.

were concerned. He felt, also, that the adoption of the compromise would be a renunciation of the principle that the majority of the Senate should control that body. He favored pushing the bill toward a vote, even should cloture be necessary. 19 After this, the silverites apparently saw that they were defeated and agreed to end their obstruction as soon as all the prepared speeches had been delivered.20 On October 28, the Senate began voting on the amendments to the bill: the Democratic majority knocked down, one by one, "the ten pins set up by the silver worshipers."21 On October 30, after the continuous fourteen days' session, following sixty-one days of debate (the Congressional Record for the session contains 20,000,000 words!), the Voorhees Bill was passed.22

It must be remembered that at this time, free silver had not become a party issue, and Mr. Caffery was free to express himself on the subject. The fact that he was reelected to the United States Senate in 1894, without opposition, bears out this statement. However, during the next two years it became apparent that the Democratic Party would commit itself to free silver and that the Republican Party would uphold the gold standard, events that altered Mr. Caffery's relations to the Democrats of Louisiana.23

Closely related to the silver question, at this time, was the problem of the sale of government bonds. During 1893 the expenditures of the government greatly exceeded the receipts, and it was necessary to encroach on the gold reserve. Further, the administration felt that the government was pledged to redeem Treasury Notes and greenbacks in gold. Although Cleveland besought Congress on more than one occasion to authorize a bond issue that would be attractive as an investment, that body failed to act. So under the authority of the old Resumption Act of 1875, three bond issues were made (January, 1894; November, 1894; and February, 1895) in an attempt to replenish the gold reserve. The last of these was the famous Morgan-Belmont transaction which Cleveland entered into, when the gold reserve was below \$42,000,000. There was no doubt that the bankers netted a handsome profit on the deal, and Cleveland was censured for "his

¹⁰ Ibid., October 24, 1893.
20 Ibid., October 25, 1893.
21 Ibid., October 29, 1893.
22 Ibid., October 31, 1893.
23 E. M. Violette, "Donelson Caffery-Historical Quarterly, XIV (1931), 526. -a Louisiana Democrat Out of Line," in Louisiana

subserviency to gold standard banking interests." afforded by each successive bond sale was short-lived, for an endless chain was in operation—a supply of gold would be secured by the Treasury, through the sale of bonds, and would then be drained out for export purposes and for individual hoarding, when Treasury Notes and greenbacks were presented for redemp-The silver advocates maintained that far from having a deficit in the Treasury, there was a surplus, if the Secretary would only use silver to redeem the government notes—a policy which would have placed the country on a silver basis and have revived the whole question of free silver.

In December, 1895, the gold supply was again below the \$100,000,000 level, and expenditures were greater than receipts. The President again asked Congress for authority to issue gold bonds and also for the retirement of the Treasury Notes.24 A bill passed the House granting authority to the President to issue and sell at his discretion three percent bonds "at not less than par in coin, coupon, or registered bonds of the United States." The measure did not meet the approval of the administration, which wanted a "gold" bond and not a "coin" bond.25 The administration asked how three percent bonds could be sold at par and whether "coin" meant either gold or silver.26 Though this bond bill passed the House, it was a foregone conclusion that it would not pass the Senate in that form. Meanwhile, Cleveland was preparing for another bond issue under the old law of 1875, and was being severely criticised, particularly by the silverites, for not waiting for Congress to act.27

A resolution was introduced into the Senate about this time providing that the Secretary of the Treasury advertise bond sales and authorize subscriptions therefor to be made to the Treasury. This gave Mr. Caffery an opportunity to express himself on several phases of the bond issue question. He said that the passage or failure of the resolution would not have much effect on the action of the Secretary in selling bonds. Further, the Secretary should have unlimited discretion in the impending bond sale, for by tying his hands in any way when the gold reserve was in need of immediate replenishment might precipitate a silver basis. He criticised severely the "endless chain" process and asserted

²⁴ Dewey, op. cit., 447-454; James Ford Rhodes, History of the United States from Hayes to McKinley, 1877-1896, 429-435.

25 Daily Picayune, December 27, 1895.

26 Ibid., December 28, 1895.

27 Ibid., December 29, 1895.

that it was idle to discuss the advertisement of bonds when the very people who would take the bonds for gold would get the gold again, by drawing it out with Treasury Notes and greenbacks.28

A few days later (January 7, 1896), the House bond bill was reported to the Senate by the Finance Committee, amended in such a way that instead of providing for executive authority for the sale of bonds, it provided for the free coinage of silver!29 Nothing came of the measure, for, though it passed the Senate, 30 the House failed to concur in the amendment, no conference committee was asked for,³¹ and the matter was dropped.³² The debate on the pending bill, however, again afforded Mr. Caffery a chance to express his views on the whole subject of national finances. On January 31, 1896, therefore, Mr. Caffery delivered a lengthy speech (it covers eleven pages in the Congressional Record) against the free silver bill reported by the Finance Committee. It was apparent by now that his party would advocate free silver in the elections of that year, but this fact did not deter him in the stand he had always taken on the subject.

Mr. Caffery began his remarks by observing that though there was more money in the Treasury than was necessary to meet the obligations of the government and defray its current expenses, the financial situation was such that it was a constant menace to the gold reserve. But when the President, seeking relief from this abnormal condition, asked for the retirement of the greenbacks and their funding into bonds to form the basis of an adequate, elastic currency, the House responded by a bill to increase revenue and another to authorize emergency three percent Treasury bonds, not exceeding \$50,000,000. The Senate Finance Committee responded by proposing a bill for the free coinage of silver. He said: "The silver advocates conscientiously think that a silver basis is a financial heaven where the streets of the New Jerusalem are paved with silver. The gold Democrats and the gold Republicans think that such a heaven were worse than a financial hell. They want the streets of the New Jerusalem paved with gold as the Scriptures have it."33

Many of his arguments at this time paralleled those in his maiden speech in the Senate (August, 1893), though this one was

²⁸ Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 1, p. 474.

²⁰ Ibid., p. 484. 20 Ibid., Pt. 2, p. 1216. 31 Ibid., p. 1785. 32 Ibid., p. 1826.

³³ Ibid., pp. 1148-1149.

better organized and showed that he had a better grasp of the subject.³⁴ A few points, however, are outstanding in this address, and should be noted.

First, Mr. Caffery scored the Republican Party for not doing the only thing left to be done (the Republicans had a majority in the Fifty-Fourth Congress), after having added to the difficulty of maintaining the gold standard, by the Sherman Act. They should have provided for the retirement of greenbacks and authorized a bank issue based for redemption on the bonds with which the greenbacks must be funded. Every civilized country except the United States had funded its paper war debt, and he said of this, "It hangs over our finances like a dark cloud filled with elements of destruction."

Second, the policy of Cleveland, in selling bonds to maintain the reserve, was defended by Mr. Caffery. He regarded it as the only recourse left to the President, if specie payment was not to be suspended and the country to go on the silver standard. He predicted that in future times Clevelend would be called a wise and patriotic man.³⁵

Third, Mr. Caffery gave in the clearest and most concise fashion his views on money as a commodity. He said that when once the idea was firmly grasped that metallic money was a commodity; that when it was offered in exchange it was subject to the same mental processes as if it were another commodity; that if it were bad or depreciated money it would exchange for less of other commodities than good money would, then would the country be on the road to a clear perception of the economic laws to which it was subject. And further, that to give to silver more value than it actually had and to force it on creditors was "of a piece with medieval tyranny in forcing debased coins on an unwilling people." 36

This speech met with the general approval of those who favored the gold standard, and placed Mr. Caffery in the front rank of his Senate colleagues as a champion of gold monometal-lism. A pretty tribute was paid him by the New York Reform Club, which had 5,000,000 copies of his speech printed for distribution in the far South and West, to help overcome the "silver heresy" of the people there.³⁷

⁸⁴ Violette, loc. cit., XIV, 527.

³⁵ Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 2, p. 1149.

Ibid., p. 1150.
 Times-Democrat, February 21, 1896.

It had been apparent during the first half of the year 1896 that Louisiana was falling in line in behalf of free silver. When the State Democratic Convention met in June, it declared that the people of Louisiana had pronounced outright for free silver, and when the delegates to the Democratic National Convention (Chicago) were named, Mr. Caffery was conspicuously absent from the delegation.38

It has been pointed out that though Mr. Caffery was truly "a Louisiana Democrat out of line," there was no outcry against him at the State Convention; apparently the attitude was that until the National Convention officially declared for free silver, he was privileged to express his personal views on the question.39

At the Chicago Convention (July, 1896), the bimetallists succeeded in having their platform adopted, and nominated William Jennings Bryan for the presidency. From the very first it was generally believed that the so-called "goldbugs" would bolt the party.40 Mr. Caffery, then in Louisiana, maintained a studied silence on the currency question after Bryan's nomination. On July 28, a New Orleans newspaper reporter, by chance, wandered into a small meeting of "goldbugs," held in a rear office in the business section of the city, and Mr. Caffery's presence there was regarded as significant.41 A day or two later he was interviewed by the press and his attitude was freely discussed. He announced that he was a "sound money" man and would not vote for the Bryan-Sewall ticket, as that ticket represented "Populism, repudiation, and the Lord knows what not." He claimed that the silver people had made the issue and that they should credit the gold people with the same honesty of conviction they had. He said: "The issue admits of no compromise. A gold Democrat, convinced as I am that the country would be swept with a storm of destruction should the standard of value be changed to an impossible bimetallism . . ., I cannot, without being criminal, assist in bringing that result. Party lines cannot hold a man to commit private robbery and spoliation and public dishonor."42 The Times-Democrat emphatically disagreed with Caffery's characterization of the Chicago platform, but in the same editorial, commended him for his "manly outspokenness"—a trait, among

³⁸ Ibid., June 16, 1896.

Yiolette, loc. cit., XIV, 527.
 Times-Democrat, July 10, 11, 1896; Daily Picayune, July 11, 1896.
 Times-Democrat, July 28, 1896.
 July 31, 1896; Daily Picayune, July 31, 1896.

many others, that made him popular. It did not take seriously his assertion that he expected to remain a Democrat, and warned him that if he bolted the party at that time, he could "no longer claim to be in the Democracy." The Shreveport Caucasian said that his position as a "goldbug" was well defined and "no one would wonder if he were to kick himself clean out of the Democratic traces."

There were suggestions from certain individuals and newspapers that Mr. Caffery should surrender his seat in the Senate because of his abandonment of the Democratic Party. In meeting this issue he asked a question: "What is Democracy?" He claimed that the Chicago convention in its platform abjured the principles of democracy, and that because it had done so, the members were not called on to support the platform. He listed what he considered were the principles of the Democratic Party that elected him:

- 1. Sound money and the maintenance of the public faith and credit.
- 2. The enforcement of the law, both state and federal, under all circumstances.
- 3. The maintenance of the three coordinate branches of the federal government as they are.
- 4. The freedom and inviolability of all contracts, public and private.

By comparing each plank in the Chicago platform with his list of Democratic principles, he proved that the former completely repudiated the latter, and that there was a question whether the Chicago platform was a "Democratic utterance deserving the support and allegiance of Democrats." This, he asserted, was a question every man was called on to answer for himself. In referring to the demands for his resignation he said that he would resign instantly when such a party as elected him demanded it; otherwise it was useless to urge him to retire.46

Senator Caffery was now thoroughly condemned by some of the New Orleans press and by most of the country newspapers

44 Shreveport Caucasian, quoted in Times-Democrat, August 3, 1896.

46 Letter from Mr. Caffery addressed to the New Orleans Daily States, quoted in Times-Democrat, August 8, 1896.

⁴⁸ Times-Democrat, July 31, 1896.

⁴⁵ Times-Democrat, August 3, 1896; M. J. White, "Populism in Louisiana during the Nineties," in Mississippi Valley Historical Review, V (1918), 17-18.

of Louisiana. Many felt that regardless of his convictions he should have supported the Democratic platform and candidates.⁴⁷

Meanwhile, those whom the Chicago convention had turned out-of-doors, politically, had set on foot a movement to organize into a party. As a result, a convention was held in Indianapolis on September 2, 1896. The name, "National Democratic Party," was adopted and Senator Caffery was made permanent chairman of the group. 48 On taking his seat as chairman, he made "a ringing and brilliant address in his vigorous and impressive style and it was applauded to the echo." In this address he again stated his views on silver. In concluding he said: "Fellow-citizens, we are not traitors to our party. We are in the house of our fathers. We cannot be driven from it. . . . We intend to preserve, unimpaired and unsullied by and through the organization which we perfect today, the Democracy of Jefferson, Jackson, Benton and Cleveland. . . . "49

General John M. Palmer and General Simon Bolivar Buckner were nominated for president and vice-president respectively,50 and again Senator Caffery was honored by the convention by being selected to notify the candidates formally of their nomi-This occurred in Louisville, Kentucky, and was the occasion for another praiseworthy address.⁵¹

Senator Caffery then returned to Louisiana where he took an active part in forming the National Democratic Party in the state. The bulk of the members recruited into its ranks were residents of New Orleans. There was an effort on the part of the Louisiana Republicans to enter into a fusion agreement with the new party, but the latter refused for the reason that Mr. Caffery gave—that the National Democrats were Democrats and believed in Democratic principles.⁵² Senator Caffery and his son, Don Caffery, Jr., spoke at "sound money" rallies throughout the state and the usual arguments against the Chicago platform were advanced.53 Senator Caffery took an active part in a great political rally in New Orleans when Generals Palmer and Buckner visited that city.54

⁴⁷ Times-Democrat, August 12, 1896.

⁴⁸ Edward Stanwood, History of the Presidency from 1788 to 1897, 557-558.
49 Daily Picayune, September 3, 1896.

⁵⁰ Ibid., September 4, 1896.
51 Ibid., September 13, 1896.
52 White, loc. cit., V, 18.
53 Times-Democrat, September 11, 22, 23, October 3, 1896; Daily Picayune, September

Ocotber 19, November 2, 1896.
 Daily Picayune, October 17, 1896.

It would seem that the Republican victory in the executive and legislative branches would have settled the silver issue once and for all; but in spite of the fact that the election had turned on this question, the Republicans did not have a controlling majority in the Senate without the votes of the silver Senators. Hence they disregarded the silver issue and turned their attention to tariff.55

In January, 1898, Mr. Caffery again had an opportunity to express himself on the silver question. The occasion was the passage of the Teller Resolution, which provided that the bonds of the United States were payable in silver dollars at the option of the government and that this was not in violation of the public faith. Mr. Caffery, however, stood as adamant on the silver question as ever. He claimed that the resolution looked to the free coinage of silver, that it was a breach of the public faith, pure and simple, and he refused to support it. He was the only gold Democrat who voted against it, while seven of the regular Republicans voted for it.56

Owing to the free silver sentiment in the Senate, it was impossible to enact any legislation reforming the monetary system before 1900. On March 14 of that year the United States went definitely on the gold standard.⁵⁷ Mr. Caffery, in debating the Finance Bill, expressed disappointment that the bill did not provide at least for the beginning of a system of banking which would divorce the United States from any connections whatever with its own bonds as the redemption fund of bank notes.⁵⁸ In spite of this and other objections, he voted for the measure. 59

Between the campaigns of 1896 and 1900, Mr. Caffery was invited to make speeches in several northern cities. "The New South" was the title of an address delivered at the Reform Club dinner, at the Waldorf Hotel in New York City. The speech was really a reiteration of many of his views on the monetary question and a criticism of the tariff policy of the McKinley administration.60 He declined invitations to speak in Chicago and Boston, commenting as follows on the subject:

I am tired of being shown in the North as the "one Gold Democrat from the South." It is all very well until

⁵⁵ F. W. Taussig, The Tariff History of the United States, 323-326.
56 Daily Picayune, January 28, 1898.
57 E. L. Bogart, An Economic History of the United States, 376.
58 Congressional Record, 56 Cong., 3 Sess., XXXIII, Pt. 2, p. 1832.
59 Ibid., p. 1835.
60 A typed copy of this speech is in the possession of Mr. John Caffery.

it comes to business. The "one Gold Democrat" couldn't get help in the way of a perfectly safe loan, for a small amount of money. It irritates the Silver Senators for me to be emphasizing my dissent from them, by making speeches at rich men's banquets. It takes time and trouble to get up the speeches. I have made my record—I stand by it, and there is no use of continually reiterating my sentiments. I feel that it is unwise in me to do more than I have done. And I have done enough to alienate every silver man in the South. It is not because I will placate the Silverites by silence at Banquets, but because it looks as if I travel out of my way to antagonize them. 61

The final chapter in the story of silver, as far as Mr. Caffery is concerned, occurred in the fall of 1900. In the presidential campaign of that year the National Democratic Party refused to nominate a ticket. This refusal resulted in a convention, in New York, composed of about one hundred independent citizens who proceeded to nominate Senator Caffery for president and Archibald M. Howe, of Massachusetts, for vice-president, both of whom declined the nominations. No further action was taken in the matter.⁶²

Mr. Caffery by this time had so alienated himself from the Democrats of his state that he did not even consider standing for reelection when his term expired on March 4, 1901.63

CHAPTER IV

SUGAR AND THE TARIFF

Wilson-Gorman Bill—Collection of the Sugar Bounty for 1894— Dingley Tariff Act.

Cleveland made tariff reform the chief political issue of the presidential campaign of 1892. His election, and that of a Democratic House and Senate—though in the latter the Democrats had a working majority of but one—forecast a downward revision of the tariff rates of the McKinley Act of 1890. The bitter struggle during the special session of Congress in the summer of 1893 over the repeal of the Sherman Act, however, had done much to shatter the unity of the party and to weaken the narrow majority in the Senate. Some of the Democratic Senators were lukewarm on the question of tariff reduction in general, and others came from states that had strong interest in particular duties—

<sup>e1 Letter from Donelson Caffery to his wife, March 12, 1898.
e2 Edward Stanwood, History of the Presidency from 1897 to 1909, 71-72.
e3 Interview with Mr. John Caffery.</sup>

notably the Louisiana Senators. These, and other considerations, presaged a possible defection in the Senate, hence careful manoeuvring and conciliation became potent factors in the final shaping of the tariff law.1

As early as September, 1893, Senator Caffery expressed himself on the possible features of the next tariff. He said then that there was a disposition to repeal the bounty, and that the West, in spite of its growing beet-sugar industry, seemed particularly hostile to sugar. He felt that while the Republican Senators would probably sustain the bounty, they could not be relied upon to vote for a duty on sugar.2

With the silver question out of the way for the time being, Congress was ready, when its regular session began in December, 1893, to attack the tariff problem. Matters were expedited in the House and on February 1, 1894, the Wilson Bill passed that body. It was quite in line with the Democratic pledge: it not only proposed material reduction in rates but also many remissions of duty. 3 The bill placed raw and refined sugar on the free list and made no provision for a bounty.4 But in Senator Edward Douglas White and especially in his colleague, Senator Caffery, the Louisiana sugar planters had energetic and resolute champions, though they stood squarely with the Democratic Party against the bounty. It was a recognized fact that the industry could not exist without some form of protection; in the place of a bounty the Louisiana Senators insisted on a tariff.6

On February 19, 1894, Senator White was elevated to the Supreme Bench, an event that promoted Mr. Caffery to the position of senior Senator from Louisiana. Though his political career had been brief, he had been rapidly making his mark, and the sugar planters in particular felt that he was a splendid successor to Senator White—one who would do his whole duty to the state in general and to the sugar interest especially.7 And he lived up to this expectation, for he spent hour upon hour in

¹ Taussig, op. cit., 284-288.
² Daily Picayune, September 3, 1893. The McKinley Act of 1890 put raw sugar on the free list, granted one-half cent per pound to refined and provided for a bounty of two cents per pound on all domestic sugars, for a fifteen-year period, 1890-1905. Taussig, op. cit., 276-277.

³ Taussig, op. cit., 288-289. ⁴ Ibid., 312.

⁵ Louisiana Planter and Sugar Manufacturer, XII (1894), 81, 96; Daily Picayune,

O'Violette, loc. cit., XIV, 523.
Times-Democrat, February 20, 1894;
Planter and Sugar Manufacturer, XII, 113. 1894; Daily Picayune, February 20, 1894; Louisiana

committee room and conference hall, laboring in behalf of sugar, exerting himself to the utmost to turn the scales in the right direction, and contending with the acute embarrassment growing out of the situation. It was generally conceded that but for Mr. Caffery's determination and persistency, sugar would indeed have suffered a crushing blow.⁸

In the first consideration of the Wilson Bill, the Senate Finance Committee's sub-committee, composed of Senators Jones (Ark.), Vest (Mo.), and Mills (Tex.), free sugar was decided upon.9 Senator Caffery, after a conference with Senators Gorman (Md.), Hill (N.Y.), and other leading Democrats, recommended a forty percent and fifty percent ad valorem duty on raw and refined sugar, respectively. Subsequently, Mr. Jones pointed out to Mr. Caffery that while the schedule gave only ten points to the sugar trust, it concealed quite as much benefit for it as was derived under the McKinley Act. Immediately, Caffery withdrew his proposition and after various conferences with the subcommittee, a specific rate of about one cent per pound on raw sugar, with one-eighth cent additional for refined (above No. 16 Dutch standard of color), was agreed upon.10 Mr. Caffery considered this duty satisfactory for "it concealed nothing whatever in favor of the trust more than appeared on its face;" and he thought the general principle of a duty based on the polariscopic test, as this was, was a point gained for the producers. The latter, however, accepted the terms reluctantly, having profited so richly under the bounty provision of the McKinley Act. 11

Thus was the sugar schedule reported when the whole tariff bill was formally presented to the Senate, March 20, 1894. It was agreed at that time to begin consideration of the measure on April 2.¹² Here, as far as sugar was concerned, the matter rested for a time, until one morning Mr. Caffery was abruptly informed by Senators Gorman and Brice that the schedule as it stood meant free sugar, implying that Democratic Senators from sugar refining states would join forces with the Republicans and put

⁸ Times-Democrat, May 15, 1894; Daily Picayune, March 2, 8, May 15, 1894.

⁹ The sub-committee favored real tariff reform throughout. Daily Picayune, August 27, 1894; Violette, loc. cit., XIV, 524.

¹⁰ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7824; Daily Picayune, March 12, 1894.

¹¹ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7824; Daily Picayune, March 8, 1894.

¹² Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 4, p. 3395; Daily Picayune, March 21, 1894.

sugar on the free list. The sugar trust had come upon the scene in full force and was making its demands. (This story was told on the floor of the Senate on July 24, 1894.) 13

After some three or four weeks Senator Jones informed Mr. Caffery and his colleague, Mr. Blanchard, 14 that the sugar schedule as it appeared in the tariff bill was not acceptable to the refining interest and that that interest would procure free sugar in preference to the present schedule, a move which, naturally, would antagonize the Louisiana Senators toward the bill. In relating this interview several months later, Mr. Caffery said: "He [Mr. Jones] almost, I will not say entreated, but earnestly besought us to accept a schedule of 40 per cent. ad valorem on raw sugars, with one-eighth of a cent [per pound] additional on refined and with the bounty for 1894 assured us. That schedule was not acceptable to me, but I want the Senate to know that the schedule . . . is not of my making, is not the concocting of the Louisiana Senators. I wish the Senate to know that the specific rate, which is fair to the producer, and reasonably fair to the refiner, was threatened with destruction. The whole Republican side would have voted for free sugar as a party measure, and then with a few votes on this side of the chamber, sugar would have been put on the free list. That would necessarily antagonize the sugar interests."15

Obviously, what the Democratic leaders were manoeuvring for was a tariff schedule acceptable to forty-three of the fortyfour Democratic Senators. In a prolonged caucus, lasting three days, the ad valorem sugar duty was arranged and was to be offered to the Senate in the form of amendments to the pending bill. After this, Senator Jones tells us, "the 43 Democrats stood like a stone wall."16

This schedule, which also included one-tenth of a cent discriminating duty on sugar imported from bounty-paying countries, though not to the liking of the Louisiana Senators, was submitted to by them, for they felt that they could not hold out against the demands of the Finance Committee any longer. 17 The

¹⁸ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7824; Edward Stanwood, American Tariff Controversies of the Nineteenth Century, II, 350-352 (Footnote); Taussig, op. cit., 310-312.

14 Newton C. Blanchard succeeded Senator White, March 12, 1894. Daily Picayune, March 13, 1894.

18 Congressional Record, 58 Cong., 2 Sess., XXVI, Pt. 8, p. 7824.

¹⁸ Times-Democrat, May 4, 1894; Daily Picayune, May 4, August 27, 1894; Taussig, op. cit., 308.

17 Daily Picayune, August 29, 1894.

sugar growers of Louisiana were keenly concerned in all this. In a meeting of the Sugar Planters Association, held in New Orleans, May 11 and 12, ex-Governor H. C. Warmoth, the recognized Republican leader of Louisiana, took occasion to denounce Senator Caffery, in the most vigorous terms. He said that he had forsaken the cause of which he was the avowed champion. for the sake of "patronage, caucuses, and other public blandishments."18 The convention, however, though it adopted resolutions favoring the bounty rather than the duties of the present act, resolved "That we appreciate the valued services of our Junior Senator. . . "-not enthusiastic praise, to be sure, but far from the condemnation Warmoth had hoped for. 19

Senators Caffery and Blanchard had accepted the arrangement for the change in the sugar schedule in good faith, with the express stipulation that the bounty, as provided for in the McKinley Act, should continue until January 1, 1895. An amendment was duly passed extending the bounty for the period agreed upon. Over this, Mr. Caffery remarked that the Republican Senators "beat their drums and tom-toms" and tried to make it appear as a tremendous advantage for the trust—a contention, according to Mr. Caffery, that was wholly unfounded, as the trust had already gathered in an enormous part of the world's supply of sugar and the sooner the bounty payments stopped, the sooner they could sell the sugar they had on hand in their warehouses, and, at an advance in price. Some of the Democrats, however, became alarmed over the assertion of the Republicans, and, as Mr. Caffery told it, ". . . on the motion of Senator Hill to strike out that feature of the bill which contained the time for the repeal of the McKinley Act . . ., our own brethren jumped the track and went over to the folds of the Republican Party. That part of the agreement which was thus made was stricken out and that was the first violation of faith toward the Louisiana representatives here." Caffery, though consistently opposed to the principle of the bounty, felt that in this case it was not a question of politics, not one of any particular theory of taxation, but one of absolute justice to the people of Louisiana.20

The move on the part of Mr. Hill, coming as it did suddenly on the day the bill was up for final passage, gave the Louisiana

Times-Democrat, May 11, 1894.
 Ibid., May 12, 1894; Daily Picayune, May 12, 1894.
 Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7824.

Senators time to do nothing. The Wilson-Gorman Bill passed the Senate on July 3, 1894, with Senator Caffery voting "nay" and immediately rising and changing his vote to "aye," explaining that his first vote was cast to protest against the betrayal of the Louisiana Senators and the injury done to their state in the matter of the bounty for the whole year of 1894.21 Undoubtedly they had been betrayed; they had been disarmed by the agreement with the Finance Committee and it was felt that that committee, to whose mismanagement they attributed the trouble, should have compelled the adoption of the bill as it stood. Senator Caffery felt that he and Mr. Blanchard had done all in their power to let the party keep its tariff pledge, even going so far as to arouse no little antagonism at home, and were rewarded with a "gross breach of faith" on the part of their Democratic colleagues.22

In understanding the criticism heaped upon Mr. Caffery from the very beginning of the sugar imbroglio, it is well to have clearly in mind his views on the bounty and the tariff. He was, paradoxically enough, irrevocably opposed to the bounty, though he was from the heart of the Louisiana sugar bowl, was himself a sugar planter and had undoubtedly profited under the bounty provision of the McKinley Act. In expressing his political views on the question, he used such statements as: "A bounty is plainly repugnant to the spirit and genius of American institutions;"28 "It [the bounty] gives a gratuity to an individual ... to follow a certain calling and that principle no Democrat can endure;"24 "It was a cruel kindness to give us the bounty."25 Economically, he admitted readily enough that the sugar industry had profited enormously under the bounty, but he felt that it was sure to be revoked long before 1905, the date provided for in the McKinley Act.26

Mr. Caffery was criticized by the Republicans, generally, for not supporting the sugar provisions of the McKinley Act, which, it was pointed out with great truthfulness, would afford the planters double the benefit they would receive under the pending bill.27 He answered this type of criticism thus, "Loui-

⁹¹ Ibid., Pt. 7, p. 7135.
22 Times-Democrat, July 4, 1894.
23 Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 6, p. 5644.
24 Ibid., p. 5645.
25 Ibid., p. 5646.
26 Ibid., pp. 5644, 5717; A. Bouchereau, The Louisiana Sugar Report, 1894-1895, 65a-70a.

27 American Economist, XIV (1894), 64-65, (August 10, 1894).

siana happens to be a Democratic State and I happen to be a Democrat." However, where the Louisiana sugar interest was concerned, the matter was not as simple as Mr. Caffery's statement would lead one to believe. Although he claimed, during the course of the debate (June 2, 1894), that the bounty was "scorned by Louisiana," there was a fight waged by certain sugar planters in an effort to secure Mr. Caffery's support of such a policy.²⁸ When Mr. Caffery's attitude—ex-Governor Warmoth called it his obstinacy²⁹—became generally known, the tactics of those planters were changed and resolutions, petitions, etc., were addressed to such Republican Senators as Lodge and Aldrich, seeking to enlist their aid in continuing the bounty until 1905.30 When the point was made that Congress, if the pending bill was passed, would have broken the obligation of a contract in discontinuing the bounty, Caffery answered that to call the bounty of 1890 a legal contract was a misnomer. "It cannot be a contract. How can a government contract with itself?" It is nothing on earth but a gift, a pernicious gift, a demoralizing gift. . . . "31

Another source of criticism, growing out of Caffery's views on the bounty, came from the American Protective Tariff League. In its official organ it listed the Louisiana Senators in the "Roll of Infamy;"32 It referred to them as the "misrepresentatives of Louisiana,"33 and accused them openly and repeatedly of deliberately injuring, if not completely ruining, the sugar industry of Louisiana, by not supporting the bounty. It scathingly criticised them for what Mr. Caffery insisted was a "forced alliance" with the trust, in accepting the ad valorem schedule.34

Still another aspect of the bounty, as far as Mr. Caffery is concerned, was his insistence that it be paid for the whole year of 1894. When he agreed to the change from specific to ad valorem rates, it was with the explicit understanding that the bounty continue until January 1, 1895. He felt that this was due in justice to the Louisiana planters, who not only had made contracts in anticipation of a continuance of the bounty for the year, but had also prepared for the change in the tariff law by investing

²⁸ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 6, p. 5645.
29 Open Letter by H. C. Warmoth, Daily Picayune, May 7, 1894.
30 Congressional Record, 53 Cong., 2 Sess., XXVI. Pt. 6, p. 5648.
31 Ibid., 55 Cong., 1 Sess., XXX, Pt. 2, p. 1300; Bouchereau, op. cit., 65a.
32 American Economist, XIV, 16, (July 13, 1894).

⁸⁸ Ibid., XIV, 17, (July 13, 1894). 84 Ibid., XIV, 53, (August 3, 1894).

twice the usual amount in improved machinery.35 When accused in the Senate of inconsistency in having denounced the bounty and yet urging its payment for 1894, Mr. Caffery stood his ground frankly and simply: "Mr. President, there is a very manifest distinction between being in favor of the principle which underlies a bounty and not in favor of destroying institutions which have grown up under the bounty. I have never pretended to advocate the bounty policy and I do not do it now."36

On the Democratic principle of "tariff for revenue only," Mr. Caffery took as firm a stand as he did on the bounty. Favoring as he did a duty on an important Louisiana product, he was often hard put to explain the consistency of his position to others-he, personally, never felt that there was any inconsistency in his attitude. To the Senate, on one occasion, he said:

Mr. President, in the matter of tariff reform, I am in strict line with the orthodox tenets of my party. I was born and reared in the midst of the sugar-planting district of my State. Ever since I have attained years of discretion I have been a Democrat and a tariff reformer on the strictest lines of the Democratic theory and policy. For many years I have been censured in my own part of the country for clinging too tenaciously to the Democratic theory.

I have earnestly, in season and out of season, told my people that the anchor of safety was for them to grasp the Democratic theory and lay hold of the Democratic platform, which platform announces the theory that the Democratic party is pledged to a tariff on imports for revenue. . . . 37

In supporting the duty on sugar, Mr. Caffery felt perfectly justified, and denied that there was anything sectional in his position. He said: "We have asked the Democratic majority to go back to the elemental principle of the Democratic party and levy a tariff for revenue. We have the article which produces revenue. To place a tariff upon that article comes within the strictest lines of Democratic theory. Is there any departure from that theory? Are we not in line with our party?"38 In this connection his allegiance to and reverence for the Democratic Party or as he termed it, "the Democracy"—are noteworthy, for later his principles came in such conflict with his party (on the silver issue) that he was repudiated by it.39

³⁵ Times-Democrat, July 4, 1894.
36 Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 6, p. 5762.
37 Ibid., Pt. 8, p. 7741.
38 Ibid., Pt. 6, p. 5714.
39 Interview with Mr. John Caffery.

Mr. Caffery felt keenly all the recriminations and abuse that had been heaped upon him, though they failed to deter him in the least from his course. 40 During and following the passage of the bill by the Senate, there was a general tendency to denounce and abuse the Louisiana Senators. Mr. Caffery protested as follows: "The Louisiana Senators have been made the common target for the taunts of the Republicans, and the shot of our own side. We have been pointed out as the bête noir of the bill. Our demand and our attitude have been the alleged stumbling block in the way of tariff legislation." He undertook, then, to explain the political gymnastics resorted to by the Democratic leaders in evolving the tariff measures, and the part he played in it.41 The Louisiana press, in commenting upon the various criticisms directed against the Louisiana Senators, openly stated that Senators Gorman and Brice were secretly working for the sugar trust and against a downward revision of the tariff; some one had to be blamed for the fact that the Democratic pledges had not been kept, and the Louisianians were chosen for the distinction!42

The struggle over the tariff problem was by no means over with the passage of the Wilson-Gorman Bill through the Senate (July 3, 1894). A conference committee had to be appointed and its consideration of the measure dragged on for weeks. Sugar was one of the vexatious problems. During the period that the bill was in conference, some of the most acrimonious debates of the whole session occurred. Mr. Caffery and Mr. Blanchard were already feeling gloomy over the sugar outlook,48 when, on July 20, 1894, a motion was offered in the Senate to strike out the one-eighth cent differential from the sugar schedule. The two Louisianians, however, rose to the occasion and fought desperately in the cause of sugar.44 Mr. Caffery was beset with questions as to why the one-eighth cent was essential to Louisiana: "The explanation is simple," he said; "the producer of cane in Louisiana is mostly a manufacturer of sugar. The Louisiana planter, by adopting the recent improved methods, turns out a sugar which goes into consumption as refined sugar. It is . . . quite equal to the German granulated sugar." He reminded the Senate forcibly that the cry for relief, from the Louisiana planters,

Violette, loc. cit., XIV, 524.
 Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7823.

⁴² Times-Democrat, August 13, 1894. ⁴³ Daily Ptcayune, July 15, 1894. ⁴⁴ Ibid., July 21, 1894.

did not come from "overgrown and bounty-fed corporations;" instead, it came from the "honest toilers of the soil," from "honest American citizens." He voiced a strong argument against any lowering of the sugar rates, for the sugar industry of Louisiana, involving a capital of \$100,000,000, and engaging directly or indirectly over 300,000 laborers, had been built up relying upon the continuance of a duty. (Note the protective element in this argument.) ⁴⁵ In speaking of the proposed amendment, Mr. Caffery expressed his distress over the situation and indicated where his loyalty lay:

Once in my life I had a fearful alternative presented me. I was a quiet, peaceful citizen, pursuing my calling as a sugar planter in my native State. Suddenly the tocsin of war sounded throughout the length and breadth of the land. I revered the Union and honored its flag.

When my State called me to arms I had to answer the call of the State of my nativity and the State of my love. I revere and I love the Democratic principles. They were born in me. What little study and reflection I have been able to give to political subjects have convinced me that the Democratic theory of tariff is correct. But when the alternative comes between the State of my love and the party to whom I owe my political allegiance, I shall stand by my State.⁴⁶

And so Mr. Caffery, supported by Mr. Blanchard, stood his ground and the amendment was withdrawn. There were those who regretted that the Louisiana Senators had not been more adamant during the earlier stages of the bill, but felt that in this final *impasse* they had come out as well as could be expected.⁴⁷

Meanwhile the Senate conferees refused to recede from any one of the several hundred amendments added to the bill, and, finally, in desperation the House withdrew its vote of nonconcurrence to the Senate amendments.⁴⁸ The bill then went to the President whose dissatisfaction with it was evidenced by the fact that he kept it ten days and allowed it to become a law without his signature (August 28, 1894).⁴⁹

On the same day (August 13) that the House receded from its position on the Wilson-Gorman Bill, that body passed a bill

⁴⁵ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7742.

⁴⁶ Ibid., p. 7743.

⁴⁷ Times-Democrat, July 27, 1894

⁴⁹ Ibid., August 14, 1894.

⁴⁹ Daily Picayune, August 28, 1894.

by a majority of 276 to 11, placing sugar on the free list.⁵⁰ The measure, however, came to naught, as did numerous others of these "pop-gun" bills.51

A few factors incidental to Mr. Caffery's role in the passage of the Wilson-Gorman Bill should be mentioned. First, Mr. Caffery felt that the provision of the new tariff act in continuing the reciprocity treaty with Hawaii should be stricken out. In this, he was in complete harmony with the sugar growers of his state, who felt that a continuation of the treaty made possible the importation of quantities of sugar, free of duty, by the sugar trust.⁵² Second, he opposed the income tax that was incongruously a part of the tariff bill. This policy of taxing incomes was generally popular in the South and West.⁵³ Mr. Caffery, in the course of his remarks, pointed out that he could not support a measure which in his opinion was unconstitutional, in that it discriminated against a class. The measure, in an effort to strike at overgrown corporations which had abused their corporate powers, might deal a deadly blow at deserving corporations, which had for "their object the aggregation of small capital of men of moderate means."54 He questioned the effect such a measure would have on the sale of state bonds in general, and the work of the Louisiana Levee Districts in particular.55 A third feature to be noted is Caffery's defense of President Cleveland when the latter was bitterly attacked by Gorman in the Senate (July 23). The attack was prompted by a letter from the President addressed to Representative Wilson (chairman of the Ways and Means Committee), in which he expressed his utter hostility to the Wilson-Gorman Bill. Gorman claimed that nothing had been kept from the President, and that the expression of his disapproval at such a late date assailed the dignity and honor of the Senate.56 Caffery claimed that Cleveland was perfectly warranted and justified in what he said. Although he (Caffery) said that he did not pose as a champion of the President, he spoke at some length on the subject and felt that Cleveland was "exonerated in this letter from any charge of imputing to the Senate of the United States either perfidy or dishonor."57

⁵⁰ Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 8497.

⁵¹ Daily Picayune, August 19, 1894.
52 Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 8, p. 7850; Times-Democrat.
July 26, 1894.

<sup>Taussig, op. cit., 308; Dewey, op. cit., 456.
Congressional Record, 53 Cong., 2 Sess., XXVI, Pt. 7, p. 6877.</sup>

⁵⁵ *Ibid.*, p. 6878. 56 *Ibid.*, Pt. 8, pp. 7802-7803. 57 *Ibid.*, p. 7823.

The inconsistencies of the tariff of 1894 were recognized by many Democrats. The long wrangling over rates, the failure to make a consistent downward revision of rates, and the "pop-gun" bills had the effect of harassing commercial interests and tended to unsettle business affairs. "The result was a lack of confidence in the financial ability of the Democratic party, and a popular feeling sprang up that even the tariff of 1894 favored the trusts." And when the income tax was declared unconstitutional the party was charged with insincerity.⁵⁸ Mr. Caffery felt that the measure was not one that the "Democrats would wish for," and that "in the new departure of a tax on incomes" the idea of a tariff for revenue had been lost sight of.59

A more immediate result of the Wilson-Gorman Act was the bolt, from the Democratic Party into the ranks of the Republican Party, of a large majority of the Louisiana sugar planters (September, 1894). They felt, and justly, no doubt, that they had been harshly treated by the Democratic leaders, especially in stopping the bounty midway in the production of the year's crop. There was a general condemnation of this group by the press, everywhere, though many recognized the justice of their demands.60 The Louisiana press urged that the only hope for the sugar industry lay in the Democratic Party.61 Mr. Caffery considered the "whole movement ridiculous," and said that many planters had been "persuaded to see protection through the wonderful political magnifying glass of H. Clay Warmoth."62 Most significant perhaps of all, was the realization that if the bounty was to be paid, it would have to be voted by the Democrats of the present Congress, in its next session, and it was asked with what sort of grace could the planters ask a party to give them \$9,000,000 when they had deliberately repudiated that party.63

Mr. Caffery now entered upon another phase of his fight in behalf of the Louisiana sugar growers: the collection of the bounty payments due them under the new tariff law. A day or two after the bill became a law, Secretary of the Treasury Carlisle ruled that according to its terms, which repealed the Mc-Kinley Act, he was deterred from making any further bounty payments! This ruling applied to old claims of 1893, as well as

58 Dewey, op. cit., 458. 59 Daily Picayune, August 31, 1894. 60 Times-Democrat, September 10, 1894.

^{e1} Ibid., September 18, 1894; Daily Picayune, September 18, 1894; Opelousas, St. Landry Clarion, September 15, 1894.

^{e2} Times-Democrat, September 22, 1894.

⁶³ Ibid., September 24, 1894.

to those for the current year.64 Almost at once a suit for damages was brought against the government by the Miles Planting and Manufacturing Company, of Louisiana. 65 It was not long before Congress convened again (December, 1894), and Senators Caffery and Blanchard presented innumerable petitions from the various sugar groups of Louisiana, for the bounty due them.66 Early in January, 1895, the former introduced a bill for the relief of the sugar planters, for the years 1893 and 1894.67 It was shortly after this that another blow was struck at the bounty, in the decision of the Court of Appeals in the Miles bounty claim case. The decision declared, first, that the bounty provision of the McKinley Act was unconstitutional, and second, that even if it were constitutional, the bounty payments stopped with the passage of the Wilson-Gorman Act.68

Senator Caffery, however, continued to fight for his resolution, which was finally reported as an amendment to the Sundry Civil Appropriation Bill, and provided a little over \$5,000,000 for the purpose of paying bounties. 69 On February 26, 1895, only a few days before the adjournment of Congress, after four hours of sharp debate, it was adopted. "The fate of the amendment seemed several times to hang in the balance."70

In view of the decision of the Court of Appeals, Secretary Carlisle still refused to make the payments. The Miles Company, however, appealed its case to the Supreme Court of the United States, and that tribunal handed down a unanimous decision reversing the decision of the lower court and declaring the bounty provision constitutional, May 25, 1896.71 And so in August, 1896, eighteen months after the money had been appropriated for the purpose, the bounty payments were made. 72 During this whole struggle Mr. Caffery had been indefatigable in his efforts.⁷³

In the campaign of 1896 the tariff issue was set aside and the election turned directly on the question of free coinage of silver, though the Republicans had resolved to take the offensive in regard to protective tariff. The deficit in the Treasury fur-

⁶⁴ Ibid., August 31, 1894.

⁶⁵ Daily Picayune, September 20, 1894.

⁶⁶ Congressional Record, 53 Cong., 3 Sess., XXVII, Pt. 1, p. 551.

et Ibid., February 23, 1895.

10 Ibid., February 27, 1895.

⁷¹ Times-Democrat, May 26, 1896.
72 Louisiana Planter and Sugar Manufacturer, XVII, 97.
73 Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 1, pp. 958-959; Daily Picayune, December 16, 1895; Times-Democrat, April 20, 1896.

nished a good starting point, and in calling the extra session in March, 1897, McKinley asked Congress to deal solely with the tariff and revenue. Within two weeks after Congress met, the Dingley Bill passed the House (March 31, 1897) and was sent to the Senate where it was reported by the Finance Committee about six weeks later.74

During the debate that ensued, Mr. Caffery summed up his position on taxation in general, a position he maintained throughout:

I believe in a tariff on luxuries.

I believe in excise taxes.

I believe in an income tax.

I believe in a tariff on imports so as to put money in the coffers of the Government and not in the pockets of individuals.

I do not believe in protection save for the purpose of protecting each citizen in the enjoyment of legal, constitutional and natural rights.75

The duties on sugar were boosted by the new bill, and Mr. Caffery was admonished by many of the outstanding commercial groups of Louisiana to support the measure. He let it be known immediately, however, that he thought the bill, if it passed, would "blight the budding province of increased export of American manufactures," and cripple the export of cereals, fibre, fuel and raw materials. He frankly told the commercial groups that he considered that the sugar industry of Louisiana, under the Wilson-Gorman Act, flourished as well as any other agricultural industry in the country, and that there was no call to increase rates. There was nothing equivocal about his stand: "I will not vote for it. I will vigorously oppose it."76

With the political set-up as it was, Mr. Caffery played a much less imposing and less interesting role in the passage of the Dingley Tariff that he had in 1894. His vote and that of his new colleague, Senator McEnery,77 were not necessary to the majority (Republican) in the Senate in carrying out its tariff program.

Mr. Caffery's chief efforts in the debate, which began on May 25, 1897,78 were directed against the high rates in general, and

⁷⁴ Taussig, op. cit., 321-327; Dewey, op. cit., 463-465.
75 Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, p. 1973.
76 Times-Democrat, April 4, 1897.
77 Senator Samuel Douglas McEnery was elected in May, 1896, to succeed Newton C. Blanchard. Times-Democrat, May 29, 1896. 78 Times-Democrat, May 26, 1897.

against the sugar trust which, without a doubt, would profit tremendously under the advanced rates of the sugar schedule.

Though Mr. Caffery asserted on more than one occasion that he had no animosity for the trust, he kept up a vigorous and condemnatory attack against that institution during the entire course of the debate.79 The American Sugar Refining Company (the sugar trust), he maintained, was the only gigantic trust in the world which rested entirely on legislation for its support.80 From its formation in 1887 it showed an extensive, if irregular, profit. Even under the terms of the Wilson-Gorman Act it prospered, though it claimed it would be ruined with less than one-fourth cent per pound on refined sugar—and the bill provided one-eighth cent.81 Mr. Caffery inserted into the record what he claimed was conclusive evidence "direct from the mouth of the sugar trust" that it could prosper without a protective tariff. It was no longer "a weak, puling, squalling infant, but a great giant industry" that controlled the markets of the world. Mr. Caffery maintained that it was a "disreputable scandal" that it should ask for legislation in its behalf.82 He disposed of the trust's boast that it had reduced the price of sugar to the consumer, by asserting that it was done merely by "hammering down the prices to the producer."83

The specific rates on sugar, in the Dingley Tariff, when interpreted in terms of ad valorem rates amounted to seventy-five or eighty percent. As the bill finally passed (there were only slight changes during its passage), the sugar schedule was as follows: on raw sugar testing up to 75°, the duty was one cent per pound, with 35/1000 additional for every additional degree; on all refined sugars the duty was 1.95 cents a pound; the differential between refined sugar and 100° raw (if there was such a thing) was .125 cent; a countervailing duty was laid on sugar from bounty-paying countries, equal to the bounty (on refined sugar from Germany this would amount to 38 cents per hundred pounds).84

In every point of the sugar schedule Mr. Caffery saw profit for the trust. He pointed out that in the mere anticipation of the bill, the trust had already bought up and had on hand 2,000,000,000 pounds of sugar on which it would make one-half cent a pound

 ⁷º Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 1, p. 1648.
 8º Times-Democrat, June 12, 1897.
 8¹ Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, 1649-1650.

⁸² Ibid., p. 1723. 83 Ibid., p. 1650.

⁸⁴ Taussig, op. cit., 350, footnote.

profit.85 A profit for the trust, likewise, was concealed in the amount of raw sugar allowed for a pound of refined. The figures upon which this was based were erroneous, according to Mr. Caffery, for, though they were the official figures of the Treasury Department, they had been furnished by trust officials and were partisan.86 He said that far more pounds of raw sugar were allowed to make a pound of refined that was necessary, and "just in that proportion is the differential greater between raw and refined under the bill." The profit was not only in the form of duties, but in the form of drawbacks as well. He said that, personally, he could never see what became of the four pounds of the one hundred pounds of raw sugar allowed for ninety-six of refined!87

During the course of the debate, Mr. Caffery probably devoted more time and energy to a discussion of the countervailing sugar duty than to any other subject. He could not take the attitude of abandoning all duties on sugar, for he had his Democratic theory of tariff for revenue to uphold and his sugar planter constituents to protect. He maintained that the total differential duty on sugar was far too high and should be struck out of the bill, leaving only the countervailing duty. In the first place, he considered that this was sufficient protection for the trust,88 and second, he felt that the United States should strike a blow at the industrial policy of Germany. Not only were the German sugar makers protected against the importation of foreign sugar by a prohibitory tariff, but they had the added protection of a bounty, ranging as high as thirty-eight cents per hundred pounds of refined sugar. Mr. Caffery felt that the United States was perfectly justified in passing retaliatory legislation against such artificial industry, 89 the terms of the treaty with Prussia, of 1828, notwithstanding. He denied that his stand on this question savored of protection.90 An interesting feature of this matter is the fact that Mr. Caffery, when he failed to secure any reduction in the differential duties, offered an amendment striking out the countervailing duty.91

Mr. Caffery's activities were by no means confined to the sugar schedule. He spoke on innumerable subjects and the gen-

 ⁸⁵ Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, pp. 1663-1664.
 86 Times-Democrat, June 27, 1897.
 87 Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, pp. 1663, 2033, 2207.

⁸⁸ Ibid., p. 1667. 89 Ibid., Pt. 3, p. 2205. 90 Ibid., p. 2224. 91 Ibid., p. 2428.

eral trend of his arguments was either for reduction or remission of duties. He showed a remarkable economic knowledge in many and varied fields. Among the duties he discussed were those on caustic soda, borax, carbon, Portland cement, cigarettes, cotton, lumber and wool.⁹²

Thus the Dingley Bill passed the Senate, July 7, with Mr. Caffery voting against it.93 It went to a conference committee, where the differences between the House and the Senate rates were adjusted, and became a law when the President signed it, July 24, 1897.94 Mr. Caffery's arguments carried very little weight and practically every resolution he introduced was defeated. For his stand on sugar he was generally criticised by the Louisiana sugar growers and the commercial interests of New Orleans. An interesting personal incident of the debate was the implication by a Republican Senator that Caffery would benefit personally and therefore should support the Dingley sugar schedule. Mr. Caffery pointed out that the impression that he was a large sugar planter and manufacturer evidently came from the fact that one of the largest Louisiana refineries bore his name, but that he had never owned a single share of its stock. He considered himself a modest planter, indeed, for his sugar plantation was one of the very smallest in St. Mary Parish.95

By the stand he took on silver and on tariff, he alienated great numbers of his constituents. He was fully aware of the consequences, as far as his political career was concerned, of his position in these matters; but independence of thought and fearlessness were his dominant traits—traits wholly incompatible with continued success in politics.

CHAPTER V

THE SPANISH-AMERICAN WAR

Cuban Insurrection—War with Spain—Annexation of Hawaii— Treaty of Paris—Philippines.

The relations existing between the United States and Spain, beginning with the Cuban insurrection of 1895, and culminating in the Spanish-American War, was a matter on which Mr. Caf-

 ⁹² Ibid., Pts. 2-3: caustic soda, p. 2178; cigarettes, p. 2044; borax, p. 1266; carbon, p. 1368; Portland cement, p. 1322; cotton, p. 1585; lumber, p. 1515; wool, pp. 1964-1965.
 ⁹³ Ibid., Pt. 3, p. 2909.

⁹⁴ Dewey, op. cit., 646.
95 Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 2, p. 1667. Caffery's production of sugar for the crop of 1897-98 was listed at 740,000 pounds. Bouchereau, op. cit., 1897-98, p. 7.

fery took as determined a stand as he had taken on silver. He remained consistent and faithful to his convictions, regardless of the popular clamor, to the very end of his Senatorial term.

The insurrection which began in Cuba, toward the end of February, 1895, soon developed the same features as the "Ten Years' War," which had been waged in that island from 1868 to 1878. The policy of the insurrectionists was not to fight any pitched battles, but to keep up constant skirmishes with a view of destroying sugar plantations and every source of revenue, thus either exhausting Spain or forcing the intervention of the United States. 1 Naturally, these events in Cuba were of the greatest. interest to the people of this country, and from the very beginning it was apparent that the sympathy of the American people was with the insurrectionists.2 Expeditions were constantly fitted out in the United States with the idea of aiding Cuba against Spain.3 The Spanish government complained of these filibustering projects, and on June 12, 1895, President Cleveland, in an effort to enforce our neutrality laws, issued a proclamation recognizing the insurgency of Cuba, as a status distinct from belligerency. He warned against the enlisting of men for service in Cuba, to fight against the Spanish government with which the United States was at peace.4 The proclamation, however, failed to stop the illegal expeditions, many of which reached the coast of Cuba.5

The insurrection continued, and when Congress met in December, 1895, a discussion of the Cuban situation was one of the most important topics in the President's message. He deplored the fact that the sympathy felt for Cuba, however justified it might be, had resulted in flagrant disobedience of the neutrality laws and particularly in the filibustering expeditions. The sympathies of the American public for Cuba were further aroused by the arrival there of General Weyler. He issued a proclamation, February 16, 1896, inaugurating his hated "reconcentrado" policy, which resulted in the cooping up of the populace, mostly women and children, in the villages, under miserable sanitary conditions and without sufficient food.

J. H. Latané, A History of American Foreign Policy, 501-502; Senate Document, 58
 Cong., 2 Sess., II, No. 25, pp. 125-126.
 Daily Picayune, March 1, 9, 18, 23, 29, April 16, May 8, 1895.

⁸ Ibid., June 8, 1895.

⁴ Ibid., June 13, 1895.

⁸ Ibid., June 14, 15, 16, 1895; Latané, op. cit., 502.

⁶ Daily Picayune, December 4, 1895.

⁷ Latané, op. cit., 501-502; Senate Document, 58 Cong., 2 Sess., II, No. 25, p. 127.

On February 28, 1896, a concurrent resolution passed the Senate by a vote of sixty-four to six, and Senator Caffery's was one of the six negative votes.8 The measure recognized the belligerency of both parties in Cuba, declared the neutrality of the United States, and that the friendly offices of the United States should be offered by the President to Spain for the recognition of the independence of Cuba.9 The resolution went to the House where a third point was added to it, declaring that because of the nearness of the United States to Cuba, and the necessary commercial relations between them, the United States should be prepared to intervene in Cuban affairs whenever she thought necessary.10 A conference first recommended the House measure,11 but when the question had to be recommitted to it. 12 the original Senate Resolution was approved, which was finally adopted early in April, 1896.¹³ This was a period of copious and vituperative debate, and on three occasions Mr. Caffery expressed himself at length—February 28,14 March 19,15 and March 20, 1896.16.

There was much repetition in the three speeches, hence his chief reasons for opposing the resolution in any of its phases have been grouped together here.

First: The past cruelties of Spain had no bearing on the current situation; but if they did, history proved that every civilized country had had its record stained and blotted by acts of cruelty, and Spain's auto-da-fé was quite offset by the Massacre of St. Bartholomew. Of the cruelties of the Ten Years' War, Mr. Caffery said: "Blood-curdling and horrid cruelties, nearly a generation old, not coming as authoritative evidence, are paraded before the Senate, with all the trappings of a sensational tragedy, to show the present condition of affairs." He also maintained that the present destruction in Cuba was indiscriminate—insurgents and Spaniards engaged in the same "rapine, fire and sword" that swept the island.

Second: Mr. Caffery denied that Congress had any proof to establish the belligerency of Cuba, in the sense of international law. He maintained that according to international law, belliger-

⁸ Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 3, p. 2257.

⁹ Ibid., p. 2255. ¹⁰ Ibid., p. 2342.

¹¹ Ibid., p. 2728. ¹² Ibid., Pt. 4, p. 3081.

¹³ Ibid., p. 3616. Ibid., Pt. 3, pp. 2249-2251.
 Ibid., pp. 2971-2974.

¹⁶ Ibid., Pt. 4, pp. 3010-3013.

ency could not be accorded unless there was "a political organization, clear, palpable, manifest to the world, possessing a certain amount of territory and at least one seaport." The so-called Cuban Republic did not live up to these requirements. Mr. Caffery, in commenting on what the press called "the seat of a great government," said that it was "located in the midst of a dense forest, almost unapproachable, the capital buildings built of poles with a roof of straw." He said, further, that there was "common rumor" to show that hostilities existed in Cuba, but that Congress had no proof whatever of the character, size or strength and operation of either the insurgent or the Spanish army. The fighting was of the guerrilla type and he insisted that there was no proof of any great battles being fought, as was reported in the press.

Third: The executive and not the Congress had the power to recognize belligerency, if it were to be recognized. Mr. Caffery stated that he would support a resolution which requested the executive to take steps either to recognize the belligerency of Cuba, or to mitigate the horrors of war, or looking toward the independence of Cuba. The inconsistency of this statement is obvious, for the greater part of the remainder of his argument was an effort to prove that the facts did not justify the recognition of belligerency, which, it seems, would hold, whether recognition by Congress or by the President were contemplated. He argued, however, that the executive was the proper branch to deal with this question, for it was the only branch in a position to know the exact situation in Cuba. The vehicles of communication between the United States and foreign states were located in the executive department, and only our accredited agents, our ministers and consuls, could furnish accurate data—data to which the President and not the Congress had access. Further, the constitutionality of this point was to be found in the President's power to negotiate treaties and to appoint ambassadors, and, by implication, to receive them—powers which clothed him with the control and administration of foreign affairs. Through his right to receive an ambassador from a de facto government, preparatory to the negotiation of a treaty, the President could recognize independence. And it followed, Mr. Caffery said, that "the less power [recognition of belligerency] being one of a cognate character closely allied to that of independence" also resided with the executive. He introduced many passages of international law

into the Record, all of which seemed, to him, to acknowledge that the powers of ultimate recognition rested with the executive.

Fourth: Mr. Caffery asserted that the United States could not interfere in the affairs of Spain, without incurring the imputation of bullying an inferior nation. He protested against the attacks made upon the character of that country by members of the Senate and considered such denunciations beneath the dignity of that body. And further, if the United States intervened in Cuba (as provided for in the House Resolution), it did so with an implied obligation of protecting the island, and if we protected the island we must eventually admit her as a State in the Union, for the United States could not hold her in vassalage.

Throughout his remarks Mr. Caffery professed the utmost sympathy for the Cuban patriots, and pledged the sympathy and support of the "sons" of his state to the Cuban cause, whenever Cuba showed a capacity to throw off its shackles. The people of Louisiana, in spite of Mr. Caffery's remarks, were particularly sympathetic with Cuba. When the Legislature met in May, 1896, it immediately adopted a concurrent resolution memorializing the President and Congress to grant belligerent rights to the Cuban Republic and asking the Louisiana delegation in Congress to urge the President toward securing this.17 One, at least, of the Louisiana delegation was not swayed by any such expression.

An interesting observation made by Mr. Caffery during the course of his remarks was that, in his opinion, the "manifest destiny" of our country pointed to the "merging and amalgamation of all the different parts of the American continent into one Government," but that Canada, Mexico, and Cuba must "fall into our laps like ripe plums, in the peaceful march of events."18

The resolution, after all, amounted merely to an expression of opinion by Congress, 19 for it was a well recognized principle that Congress had no right to force the hand of the President in a matter of this kind. Nevertheless, on April 10, 1896, President Cleveland, through Secretary of State Olney, made a formal proposition to Spain to mediate, tendering the good offices of the United States and expressing the desire to bring about a settlement of the Cuban trouble. Spain rejected the offer, claiming that Cuba already enjoyed one "of the most liberal political sys-

Louisiana Senate Journal, 1896, p. 74.
 Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 3, p. 2250. 19 A concurrent resolution does not require the signature of the President.

tems in the world" and suggesting that the United States could aid greatly in bringing about peace if it would put a stop to the unlawful expeditions of citizens of the United States to Cuba.²⁰

After a long period of comparative quiet, the Cuban question was revived in the Senate, during the special session of Congress called by President McKinley, shortly after his inauguration on March 4, 1897. Four resolutions on the subject were introduced in rapid succession, the most important of which was the Morgan Resolution, which was practically the same as the concurrent resolution of 1896.21 Though the Morgan Resolution was never acted upon by the House, it gave many Senators, including Mr. Caffery, another opportunity to express their views.

In debating against the resolution, Mr. Caffery denied, as he had done the year before, that there was evidence of any kind to establish the fact that war, according to international law, was being carried on. He said, "War is fighting, but fighting is not war," and that war must be carried on by organized armies. He defended the policy of President Cleveland,²² and reiterated his old contention that the "proper power and the only power to pass upon a matter of fact involving belligerency" is the President. When he was forced, in the course of the debate, to uphold the constitutionality of his argument, he again based the President's power on his right to appoint and receive ambassadors. It was then pointed out by one of his opponents that Cuba did not send an ambassador to the United States! This, however, failed to move Mr. Caffery from his main contention concerning the power of the executive.23 On May 20, the day the resolution passed, he was still fighting it. He argued that the fact that the life of the United States consul in Cuba was in danger "from some murderous gang or band of assassins" was no proof that a condition of public war existed that would "authorize the United States to recognize it as a national affair."²⁴ The resolution passed by a vote of forty-one to fourteen (thirty-three not voting), Mr. Caffery being one of the two Democrats to vote against it.25

President McKinley gave the Cuban question much serious thought. The newly appointed minister to Madrid, General Wood-

²⁰ Latané, op. cit., 503; Times-Democrat, April 11, 1896.

²² Times-Democrat, April 2, 1897.

²² Congressional Record, 55 Cong., 1 Sess., XXX, Pt. 1, pp. 999-1000.

²³ Ibid., pp. 1096-1097.

²⁴ Ibid., Pt. 2, p. 1185.

²⁵ Ibid., p. 1186.

ford, was instructed to offer the good offices of the United States, and to warn Spain that Congress was soon to meet again. A liberal cabinet, which had just come into power in Spain, recalled General Weyler from Cuba, and promised to grant autonomy to the island. McKinley, in his message to Congress, December 6, 1897, declared his intention of allowing time for the new policy to be tested. But it was soon evident that the grant of autonomy had come too late—the Cubans would no longer be satisfied with anything short of independence.26 Events, then, moved rapidly. On January 13, 1898, a series of riots broke out in Havana,²⁷ resulting in the ordering of the battleship Maine to Cuban waters.28 On February 9, the de Lôme letter came to light,29 and on February 15, the Maine was blown up while at anchor in Havana harbor.30

While the Board of Inquiry, appointed for the purpose, was investigating the cause of the Maine explosion, Mr. Caffery expressed his private opinion of the matter:

The great calamity of the explosion of the Maine seems to have sobered the people. The explosion was likely the result of an accident, and if from design, was not perpetrated by the Spanish Government. It may have been done by some fanatic or crank, either Spanish or Cuban.31

When the Board of Inquiry reported, in March, that the explosion was due to a submarine mine (though the responsibility for the mine was never disclosed), the American people threw aside all restraint and there was an outburst of patriotic feeling such as had not been seen since 1861. The President made another effort at diplomatic settlement, and when this failed he determined to turn the matter over to Congress. This meant war, for public feeling was at the highest pitch of excitement.³²

One person, however, who was not carried away with the war fever, and who urged delay and further consideration, was Senator Caffery. He said:

If war is declared, of course, I will further the success of our arms to the extent of my ability, but at the same time I see no just grounds for war. . . . The only ground upon which we could reasonably intervene is on the ground of humanity, and that is but slightly recognized, if at all, in the international code of law.

²⁶ Latané, op. cit., 504.

²⁷ Daily Picayune, January 14, 1898.

²⁸ Ibid., January 25, 1898.

²⁹ Ibid., February 10, 1898; Latané, op. cit., 505.

Daily Picayune, February 16, 1898.
 Letter from Donelson Caffery to his wife, February 22, 1898.

³² Latané, op. cit., 506.

In speaking of the possible results of a war with Spain, he said that to annex Cuba would be to add to the terrible strain on our institutions already felt by incorporating into our body politic alien elements that could not be assimilated.33

In debating against the joint resolution declaring the independence of Cuba, Mr. Caffery summarized his well-known views on the question, although he knew that to take a stand opposite to the prevailing current of popular opinion was to be "gibbeted by a libelous press."34 He added at this time two new reasons for his opposition to the cause of the Cuban insurgents: first, that they were wholly opposed to any suggestion of autonomy by Spain, and even a whisper of peace was "met by the murderous machete;"35 and second, that if Cuban independence were recognized, there would be the problem of the so-called Cuban-Spanish bonds of which Spain was the obligor, and which were secured by part of the customs duties collected in Cuba. 36

Of the prospective war he said:

Sir, I do not contemplate an honorable war, a just war, with any other feeling than one of sorrow, but I do contemplate a war waged between the United States and another power without a just ground as the most fearful curse that could fall upon the devoted heads of our good, honest, patriotic citizens.37

And so to the very end he opposed the resolution that meant war with Spain.

As the war against Spain progressed in the summer of 1898, another matter, and one not unrelated to the war, came before Congress—the question of the annexation of Hawaii.

In January, 1895, there had been an attempt to restore Queen Liliuokalani to the Hawaiian throne.38 A resolution was introduced into the Senate, expressing profound regret over the news of the attempt to restore the queen, extending "to the young Republic the warmest sympathy in her efforts to suppress the rebellion,"39 and declaring that the President should order a ship

Daily Picayune, April 3, 1898.
 Gongressional Record, 55 Cong., 2 Sess., XXXI, Pt. 4, p. 3954.

⁸⁵ Ibid., p. 3597. ⁸⁶ Ibid., p. 3787. ⁸⁷ Ibid., p. 3958.

³⁸ The Queen had been dethroned in 1893, a republic set up, and a treaty of annexation with the United States had been negotiated by President Benjamin Harrison, though it was withdrawn from the Senate by Grover Cleveland when he became President on March 4, 1893. 39 Congressional Record, 53 Cong., 3 Sess., XXVII, Pt. 2, p. 1133.

of war to Hawaiian waters to protect American life and property. Mr. Caffery contended that the resolution implied "knowledge of which we have not any evidence," that the only information the Congress had was in the press dispatches, and that there was not enough in those to warrant the assertion that an effort had been made to restore the queen. He described the uprising as "a mere fizzle; a fiasco," that amounted to nothing and that could easily be put down by the Republic of Hawaii itself. Further, Mr. Caffery did not see why the United States Navy was called upon to police the equitorial belt, nor why the United States should assume to maintain a kind of quasi-protectorate over Hawaii. In ordering warships to Hawaii, Mr. Caffery saw an obvious effort on the part of the United States to intimidate the natives (as had been done in 1893), and maintained that the underlying object of the whole scheme was to keep things in shape for annexation. He said that he was unalterably opposed to incorporation of "that heterogeneous mixture of all the nations of the earth into the American Union to enjoy the privileges of a great commonwealth."40

The resolution under discussion did not pass. On January 26, 1895, the Senate passed a resolution which was a substitute for a resolution of annexation, extending sympathy to Hawaii, but declaring a policy of non-interference on the part of the United States.41

In June, 1897, President McKinley negotiated a treaty for Hawaiian annexation, 42 but the necessary majority for ratification could not be secured in the Senate; so the advocates of annexation determined to gain their end by a joint resolution.43 The resolution passed the House, June 15, 1898, was sent to the Senate for consideration, and passed that body on July 6.44

Mr. Caffery vigorously opposed the resolution. In the course of his remarks on June 27,45 28,46 and 29,47 he reminded the Senate that twice before had annexation of Hawaii been brought up and defeated. He maintained that the project involved a new and dangerous departure from what had heretofore been the

⁴⁰ Jbid., p. 1139.

Joha., p. 1305.
 Ibid., pp. 1408, 1411.
 Ibid., p. 1810.
 J. H. Latané. America as a World Power, 138.
 Congressional Record, 55 Cong., 2 Sess., XXXI, Pt. 7, p. 6712.

⁴⁵ Ibid., pp. 6364-6368. 46 Ibid., pp. 6404-6409. 47 Ibid., pp. 6465-6488.

settled policy of the United States. He said: "The policy now proposed is to incorporate into our Union as bone of our bone and flesh of our flesh transmarine possessions at a long distance from our borders inhabited by a population heterogeneous, alien and unassimilable."

He questioned the statement in the preamble of the joint resolution which expressed a willingness on the part of the Hawaiian Republic to be annexed. The measure provided that the United States should assume the public debt of Hawaii and that due to depositors of the Hawaiian Postal Savings Bank, the liability of both not to exceed \$4,000,000. In the debate which ensued over this point, much ignorance was expressed by Mr. Caffery and several other Senators as to the extent of the debt in question, a fact which Mr. Caffery turned to his own use: "... this very incident ... shows the blind and eager haste by which we are trying to annex these islands."

He then turned to the constitutional question involved in the joint resolution, claiming that the President, with the consent of the Senate, was the one charged exclusively with the acquisition of foreign territory. He said he had never known a case where a government had annexed territory by joint resolution. This assertion, of course, led to the question of the annexation of Texas, which Mr. Caffery claimed could not, in any sense, be used as a precedent, for "Texas was, in a certain sense, a new State." to be admitted into the Union under Section 3 of Article IV of the Constitution. (This provided for the admittance of "new states" by Congress.) Further, he pointed out, the people of Texas, in a convention, had expressed their desire for annexation -the native Hawaiians had not. Hawaii was an "old State," that had to commit a sort of state suicide, destroying its statehood, in order to have itself admitted into the Union as a territory. Then he went back to his old contention, that the only way a territory could be annexed was by a treaty.

Mr. Caffery really fought earnestly against annexation to the very end. Later he was accused of having deliberately killed time on the three days on which he spoke. He denied the accusation, and said that it had simply been an effort of the opponents of annexation to get the matter before the American people.⁴⁸

⁴⁸ Ibid., p. 6648.

Meanwhile, the war with Spain continued. On July 14, 1898, after the battle of Santiago, which virtually marked the end of the war, Mr. Caffery was interviewed by the New Orleans press and asked what he thought the results of the war would be. He said:

Ah, there's the rub. The Republican Party appears to have plunged into the policy of imperialism. The initial step of that policy is the absorption of Hawaii into the republic. Their press, their public men, talk of empire as glibly as Caesar did of taking Gaul. "Manifest Destiny," "Star of empire traversing the heavens westward until its rays beam over Oriental possessions," and like euphemistic phrases, express the prevailing ideas of conquest and absorption. The declaration in the war resolutions that we would only hold Cuba to pacify it is regarded as obsolete. Earth hunger and territorial greed have taken possession of the public mind. 49

In the latter part of July (1898), the Queen Regent of Spain sued for peace. 50. The peace commissioners met in Paris, October 1, 1898, the treaty was drafted, and was presented to the United States Senate for ratification, January 4, 1899.51 This precipitated a period of famous debate, in which Mr. Caffery took an active part, particularly opposing the acquisition of the Philippines, in which he could see nothing but disaster.⁵²

He fought every phase of the proposition to acquire the archipelago; he even claimed that it was not Spain's to cede, in the first place, for that country had never really extended her control over it (Spain had the Philippines for 380 years!). He asserted that the United States would not have been successful in defeating the Spanish there, but for the aid of Aguinaldo, who claimed that Spain had never conquered the Filipinos.⁵³

Mr. Caffery's main argument against acquiring the Philippines was given early in the course of the Senate's consideration of the treaty.54 His remarks were made in defense of a resolution (by Mr. Vest of Mo.), declaring that under the Constitution no power had been given to the federal government to acquire territory to be held and governed permanently as colonies. The speech was badly organized; he spoke of Genghis

⁴⁰ Daily Picayune, July 15, 1898. 80 Ibid., July 27, 1898.

⁵¹ Latané, History of American Foreign Policy, 509-510.
52 Times-Democrat, December 15, 1898.

⁸⁸ Congressional Record, 55 Cong., 3 Sess., XXXII, Pt. 2, p. 1381.

⁸⁴ Ibid., Pt. 1, pp. 432-438.

Khan and Napoleon, of the Saracens and the Pilgrim Fathers, of the Gettysburg Address and John Marshall. Mr. Caffery realized the shortcomings of his effort, for in closing he said that he had "gone over these matters without much artistic arrangement, if any." However, his speech was centered around five points:

First: That the Government of the United States being "of the people, by the people, and for the people," inhibited it from acquiring territory for the purpose of incorporating it and its peoples into the Union against their will.

Second: That if a territory is acquired by the United States and its condition, character, soil, climate and population fit it for statehood, Congress can only govern it, under the limitations of the Constitution, with a view to its becoming a State as early as possible.

Third: That if the people of a territory proposed to be annexed are incapable of self-government, we cannot incorporate them into the Union, nor hold them as dependencies to be governed despotically by Congress.

Fourth: That even if capable of self-government, and they give their consent, but are inhabitants of a distant country beyond the sea, and of a dissimilar race, with different laws, religion, customs, manners, traditions and habits, it is impolitic, unwise and dangerous to incorporate them into the Union.

Fifth: That whenever any territory is acquired by the United States in full sovereignty, the citizens thereof become citizens of the United States with privileges of removal if they object to the sway of the United States, and that taxes, duties, and imposts shall be uniform throughout the United States, including all its territories.

The debate on the acquisition of territory and on the Philippine question continued until February 6, 1899, the date set some time before by the Senate as the date upon which the treaty with Spain would be ratified or rejected. There was considerable doubt concerning its fate, up to the very moment when the Senate went into executive session (2 P.M.). News had come the day before of a Filipino insurrection against the authority of the United States. It was thought that perhaps this would unify the country on the Philippine question, but the opposition Senators, for the most part, were obdurate. But with the executive session the tide turned: Senator McEnery (Caffery's

⁵⁵ Ibid., p. 1018. 56 Daily Picayuns, February 6, 1899.

colleague) was won over to ratification, by the promise that his Philippine resolution introduced earlier in the day would be adopted by the Senate. Senators Jones and McLaurin were also won over, and the treaty was ratified by one more vote than required by law. Of course, Mr. Caffery voted against it,⁵⁷ and then turned his attention toward the defeat of the McEnery Resolution.

This resolution read:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.⁵⁸

It would seem that Senator Caffery could have found some satisfaction in this resolution, but he did not. He fought it to the last, and voted against it when it was adopted by the Senate. 59 He claimed that in the resolution the United States not only declined to incorporate the Filipinos, and thereby make them citizens, but declined to do anything more than establish a local self-government, after which we were to dispose of the islands in any way we saw proper. That gave us the power to alienate them, to sell them or to dispose of them in any way that suited the prevailing majority in Congress. He said that it looked to a despotic protectorate without any guarantee on the part of the United States of independent self-government for the Filipinos. "They are only to be educated up to what we are pleased to term local self-government. . . ."

On this occasion Mr. Caffery referred to the Philippine insurrection as a deplorable affair, but one which was the result, in part, of the proclamation of the President "to take those people without the right of self-government and to benevolently assimilate them, that assimilation to be after the manner of the ana-

⁵⁷ Ibid., February 7, 1899; Congressional Record, 55 Cong., 3 Sess., XXXII, Pt. 2, p. 1487.

⁵⁵ This is the form in which the resolution passed the Senate; it had undergone one or two slight changes. Congressional Record, 55 Cong., 3 Sess., XXXII, Pt. 2, p. 1486.
50 Ibid., p. 1848.

conda that swallows its victims." Mr. Caffery felt that the United States should declare in unmistakable language the principle of self-government, that all (or nearly all) Senators seemed willing to accord the Filipinos.60

The next time Mr. Caffery expressed himself on the Philippine question was exactly a year later, February 561 and 6,62 1900. On these two days he discussed two resolutions which represented opposing views of the Senate in regard to the policy of the United States toward the archipelago. (Neither passed the Senate, but were the occasion for some interesting debate.) One resolution (that of Senator Bacon of Ga.) provided for the abandonment of the Philippines by the United States, so far as sovereignty was concerned, and the establishment there, conjointly by the United States and the Filipinos, of a republican form of government, that is, an independent government under the control of the Filipinos themselves. The other, introduced by Mr. Beveridge of Indiana, declared that the Philippines were a territory belonging to the United States, that it was the intention of the United States to retain them as such, and to establish and maintain such government control there as the situation demanded.

Caffery discussed the issue presented by these two resolutions, chiefly from the constitutional point of view. He denied that the Constitution anywhere gave Congress the right to exercise control over territory annexed by the United States. He said: "I believe when the Constitution of the United States is wrenched from its moorings and carried into these remote seas and established there in despotic sway, that it is the beginning of the end of the Republic." He asserted that he believed the people of the Philippines had the germ of national life, and were capable of a government of their own consent not based entirely upon the representative principle.

He concluded, therefore, that since the United States could not take head-hunters, polygamists, savages and slaveholders, who for all time would be incapable of our government, and make them citizens of the United States, as they must be if we continue to hold them, we should get rid of them as soon as we could— "that would be better for them and infinitely better for us."63

 ⁶⁰ Ibid., pp. 1490-1492.
 61 Ibid., 56 Cong., 1 Sess., XXXIII, Pt. 2, pp. 1491-1502.
 62 Ibid., pp. 1538-1543.
 63 Daily Picayune, February 6, 1900.

And once again, the following year, less than two weeks before he left the Senate forever, we find Mr. Caffery debating for the last time on this subject. On February 25, 1901, he fought the passage of the Spooner Amendment to the Army Appropriation Bill. This measure put into the hands of the President of the United States, practically every vestige of military, civil and judicial powers, as far as the Philippines were concerned. Mr. Caffery considered this a clear delegation of power to make laws granted by the Congress to the President, and that it made him a virtual czar.⁶⁴

CHAPTER VI

NICARAGUA CANAL AND OTHER ISSUES

Nicaragua Canal—River Improvement—Immigration—Quarantine Bill—Seating of Henry W. Corbett—Louisiana Gubernatorial Campaign, 1900—Naval Academy Graduates—Ship Subsidy.

Free silver, tariff and the Spanish misrule in Cuba were the three major issues before the American public during the eight years that Mr. Caffery served as United States Senator. Another matter of importance which was under consideration, during the entire period, was the question of an interoceanic canal in Central America. Mr. Caffery devoted much time and thought to this issue, and addressed the Senate on the subject, on numerous occasions.

The United States had long been interested in an isthmian canal; the Clayton-Bulwer Treaty, 1850, had been negotiated with Great Britain for the express purpose of defining the control and use of such a canal, should one be built.¹

When Cleveland became President, March 4, 1885, he withdrew from the Senate's consideration a treaty negotiated with Nicaragua (1884) on the subject of a canal; and, indeed, in the whole matter he reversed the policy of his predecessor, President Arthur.²

In 1886 a private syndicate was organized in New York, and Mr. Menocal, an engineer, was sent to Nicaragua to secure concessions. The negotiations were successful and grants were secured for ninety-nine years, with the proviso, however, that the construction must be completed in ten years. Congress was

⁶⁴ Congressional Record, 56 Cong., 2 Sess., XXXIV, Pt. 3, pp. 2961-2962.

¹ D. R. Dewey, National Problems, 1885-1897, 117-118. ³ J. H. Latané, the United States and Latin America, 177-178.

then asked to charter the Maritime Canal Company of Nicaragua in order that the undertaking would secure adequate protection. Serious obstacles were encountered, for though no money or credit was given to the company, the grant of charter privileges might be interpreted as an endorsement by Congress, which would mislead capitalists. On February 20, 1889, however, the charter was granted—the United States was not committed to any financial liability and was to exercise such control over the canal as was provided for by the treaty of 1867, with Nicaragua.

A small amount of stock was sold by the Maritime Canal Company, contracts were made, the harbor at Greytown was dredged, breakwaters were constructed, and a little digging was done; but the enterprise was a failure. Some of the reasons for this were: the physical difficulty of constructing such a canal; the failure of the French project in Panama; the weakness of the Central American governments; hesitancy on the part of private capitalists to invest in such a risky and gigantic undertaking.

It was not long before Congress was again appealed to, and in 1891 a bill was introduced authorizing an issue of \$100,000,000 of the Maritime Canal Company's bonds to be guaranteed by the government, and the government was to hold a controlling interest in the stock as pledged. When the Foreign Relations Committee of the Senate reported the measure, it declared that the Clayton-Bulwer Treaty was obsolete, and advised that action should be taken without regard to previous international understandings. Congress, however, was reluctant to take such a decisive step without some agreement with Great Britain, and, also, it hesitated to subsidize a private corporation in this fashion. Here began four years of intermittent debate between those who held that the treaty with England could not be scrapped and those who felt that it was "an improvident agreement, worthy of no further respect, even if the rights of Great Britain had not lapsed by neglect."3 Mr. Caffery took the keenest interest in this question, and it is not difficult to guess which side of the issue he took.

On January 10 and 18, 1895,4 Mr. Caffery spoke against the pending bill, entitled: "To amend the act 'An act to incor-

³ Dewey, National Problems, 118-123.

⁴ Congressional Record, 53 Cong., 3 Sess., XXVII, Appendix, pp. 71-80.

porate the Maritime Canal Company of Nicaragua,' approved February 20, 1889." At the outset of his remarks, he disclaimed any hostility whatever to the scheme of an interoceanic canal; his hostility was aimed against the instrumentality that was selected to accomplish this end—namely, the Maritime Canal Company of Nicaragua. He listed the three sources of constitutional authority upon which, according to its advocates, the bill rested: first, Congress' power to regulate commerce with foreign countries; second, the power of the government to acquire territory; third, the general welfare clause. He then undertook to discuss those grounds in order to determine whether the United States had the constitutional right to build a canal over foreign territory that did not belong to it. The chief points in his argument were as follows:

The power of Congress over foreign commerce did not extend to the building of such a canal: "The commerce must be foreign. It must be by and between the citizens of the United States and foreign states."

It would be entirely constitutional for the United States to purchase territory from Nicaragua and Costa Rica for a route for a canal.

The United States could not receive such concessions as provided for in the bill, except through a treaty with Nicaragua.

The concessionary from Nicaragua and Costa Rica expressly prohibited the transfer of any of the concessions to a foreign power.

Though the advocates of the bill maintained that the United States would have virtual control of the canal, and traffic through it, control actually would be in the hands of the Maritime Canal Company. By exercising this power to regulate commerce, the Company clearly would be usurping a sovereign power which belonged solely to the United States, and which could not be delegated.

The pivotal provision of the bill, around which all other provisions grouped themselves, was the provision for the guarantee of the bonds of the Maritime Canal Company by the United States to the extent of \$70,000,000, the sum to be paid out by the United States through the sale of its bonds for the purpose of aiding in the construction of a canal.

The Maritime Canal Company was a private corporation, though the supporters of the bill maintained that it was a public one.

The right to build such a canal could not be based on Congress' right to control interstate commerce.

Competent and exhaustive surveys of the three possible routes-Panama, Nicaragua and Tehuantepec-had not been made (Mr. Caffery seemed to favor the last route).

Although the pending measure provided that the United States should appoint ten of the fifteen directors, the original agreement with Nicaragua provided that at least one-half of them should be chosen from the promoters; hence, it was entirely possible for a majority of the directors to be inimical to the interests of the United States.

The Clayton-Bulwer Treaty was binding, though it was not an impediment to the purchase of territory in Central America, by the United States, for the purpose of constructing a canal. Further, the treaty could be abrogated, if it stood in the way.

Mr. Caffery introduced a resolution declaring that it was the sense of the Senate that the United States should make a treaty as soon as practicable, with Nicaragua and Costa Rica, for the acquisition of territory through which to construct a canal.⁵ Nothing came of this effort, however, and the bill passed the Senate, on January 25, 1895.6 Mr. Caffery made an interesting comment on the matter: "The Nicaragua bill passed last night by a majority of 10. It will not pass the House. I am told that the President thinks my argument unanswerable, and will veto the Bill if it ever passes, in the present shape."7

Though the House failed to consider the Nicaragua Canal Bill, passed by the Senate, interest in the project continued, and commission after commission was dispatched to Nicaragua to investigate and survey, but still funds were not forthcoming.8

Early in 1897, an attempt was begun in the Senate to pass another bill somewhat similar to the one passed two years earlier. Mr. Caffery worked against the measure, attacking it in much the same way as he had the previous bill.9 The main points that

<sup>Ibid., XXVII, Pt. 2, p. 1099.
Ibid., p. 1358.
Letter from Donelson Caffery to his wife, January 26, 1895.
Dewey, National Problems. 123.
Congressional Record, 54 Cong., 2 Sess., XXIX, Pt. 2, p. 1171.</sup>

he emphasized at this time were: first, that the United States had no right to proceed with the bill when an article in the treaty of concession so clearly prohibited the taking of the control of the canal away from Nicaragua; second, a flood of light had been thrown upon the engineering problems by the Ludlow Commission—"data so utterly opposed to the findings of the chief engineer of the canal, Mr. Menocal, that in my opinion, the Senate of the United States ought to take due care and wisely deliberate before it adopts this bill for a canal . . . upon the plan of the chief engineer of the Maritime Canal Company of Nicaragua."10

Mr. Caffery further objected to the fact that the Senate had proceeded with the consideration of such a measure in spite of the fact that the minister (Mr. Rodriguez) of the Greater Republic of Central America, of which Nicaragua was a member, had protested in "polite and diplomatic language." 11 also pointed out that the Company had constructed only a mile and a half of canal, with "a railroad with rotten ties and grown over with weeds, brambles, and wild cane, the cars of which are propelled by poles, the harbor that they attempted to dredge out filled up—here is the great capital invested and the great work done, in consideration of which the State of Nicaragua says they may concede an extension of time."12

The measure was never even voted on, for its sponsor, Senator Morgan, finally consented to lay it aside, in order to proceed with the crowded calendar of the short session, which ended on March 4, 1897.13

The interest of the country became so centered upon the Cuban question, that the Nicaragua canal was lost sight of until after the Spanish-American War.14 By the time Congress met in December, 1898, however, interest in an interoceanic canal had been revived, principally by the trip of the "Oregon" from Pacific to Atlantic waters. 15 A bill to amend the Nicaragua Act of 1889 was again introduced into the Senate, by Senator Morgan. Many provisions of the bill were similar to those previously considered by the Senate. The fight against it was led by Senators Turpie (Indiana) and Caffery.16

¹⁰ Ibid., p. 1386.

¹¹ Ibid., p. 1563.
12 Ibid., p. 1568. The contract between the Maritime Canal Company and Nicaragua for the construction of a canal was to expire in April, 1898.

¹³ Ibid., p. 1703.
14 Daily Picayune, April 3, 1898.
15 Times-Democrat, October 3, 1898.
16 Ibid., December 7, 1898.

On December 20, 1898, and on January 5 and 9, 1899, Mr. Caffery debated against the proposed bill.¹⁷ His arguments centered around: first, the pending bill violated the Clayton-Bulwer Treaty in its essential and vital features; second, it violated the very concession under which the Maritime Canal Company proposed to construct the canal; third, the scheme was of doubtful constitutionality; and, fourth, it proposed a new and extraordinary method of construction, heretofore unknown in the construction of public works. By far the greater part of his time was devoted to the binding nature of the Clayton-Bulwer Treaty, and the fact that the proposed bill did not live up to the terms of the treaty, in that absolute and unqualified neutrality was not guaranteed.

On January 17, 1899, Mr. Caffery offered a substitute for Mr. Morgan's bill, looking to the abrogation of the Clayton-Bulwer Treaty, in order to permit the United State to own, build and operate an isthmian canal, and authorizing the President to purchase grants or concessions from Nicaragua and Costa Rica. This resolution received favorable comment from several sources, notably from the Times-Democrat, that had of late consistently differed with Senator Caffery on every public question. It was rejected and Mr. Morgan's measure adopted instead, on January 21, 1899, 1 though many considered this a step in the wrong direction. The House showed little interest in the Senate's measure in the short time that was left before the end of the session.

In May, 1900, a bill—the Hepburn Bill—on the subject of the Nicaragua Canal passed the House,²⁴ and was reported in the Senate by Mr. Morgan, of the Committee on Interoceanic Canals; however, in spite of Mr. Morgan's efforts, it was not even debated at this session. In the following session, beginning in December, 1900, and ending in March 4, 1901, Mr. Morgan, much to his indignation, again failed to secure consideration for the measure.²⁵ Mr. Caffery apparently did not interest himself in these last futile efforts to pass a Nicaragua Canal Bill.

18 Ibid., XXXII, Pt. 1, p. 739.
10 Times-Democrat, December 29, 1898.

¹⁷ Congressional Record, 55 Cong., 3 Sess., XXXII, Appendix, pp. 45-62.

²⁰ Congressional Record, 55 Cong., 3 Sess., XXXII, Pt. 1, p. 802.

²¹ Ibid., p. 911. ²² Times-Democrat, January 20, 1899. ²³ Ibid., January 28, 1899.

Congressional Record, 56 Cong., 1 Sess., XXVIII, Pt. 6, p. 5015.
 Ibid., 56 Cong., 2 Sess., XXXIV, Pt. 3, p. 2884.

A matter in which every Louisianian in Congress must perforce take an interest is river and harbor improvement. Mr. Caffery, during his entire term in the Senate, took an active part in this matter, presenting petitions,²⁶ introducing bills on the subject, and always attempting to get a fair share in each Rivers and Harbors Bill and Sundry Civil Appropriation Bill for the benefit of his state. One of his earliest measures, and a successful one,²⁷ was a bill he introduced on December 30, 1895, providing for the extension of the limits of the port of entry of New Orleans to include Port Chalmette and those portions of the west bank of the river which were outside the port limits.²⁸

An interesting feature of the Rivers and Harbors Bill of 1896 was the fact that it was vetoed by President Cleveland and then immediately passed over his veto.29 In the course of the Senate's consideration of the bill, Mr. Caffery participated in the debate over the building of a deep-sea harbor for the benefit of Los Angeles, California. Though it would seem that this was far afield from his own interests, it really was not, for part of the discussion centered on the work of Captain Eads at the mouth of the Mississippi. The Army Engineer Corps had recommended that the \$3,000,000 to be expended on the project should be used to improve the harbor at San Pedro, while a larger group of Senators favored Santa Monica as the location of the project. The California delegation in Congress, and Senator White in particular, favored the former. Likewise, Mr. Caffery favored San Pedro—that is, if the \$3,000,000 were to be spent at all. He felt that there was not sufficient testimony to establish the commercial need of such a great governmental work and that improvement of the Wilmington harbor (the one then made use of) would be sufficient for the time being.

The discussion then shifted to the question of whether the recommendations of the Army Engineer Corps on such matters were reliable (their recommendations were the official basis of such expenditures). Mr. Caffery held that they were to be relied upon. Senator Mitchell (Ore.), leading the fight for the Santa Monica location, made the point that on one occasion the Army Engineers were entirely wrong in their recommendations, namely, on the question of Captain Eads' jetty project. He reviewed the

 ²⁶ Ibid., 53 Cong., 2 Sess., XXVI, Pt. 4, p. 3814; Louisiana Senate Journal, 1894, Calendar, pp. 121-122; 1896, Calendar, p. 92; 1898, Calendar, pp. 104, 106.
 27 Times-Democrat, March 22, 1896.

²⁸ Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 1, p. 410.
29 Times-Democrat, May 30, June 2, 3, 1896.

circumstances and financial arrangements under which the government finally allowed Eads to build the jetties, and held this up as a notable example of bad judgment on the part of the engineers. Mr. Caffery denied that Eads was entirely right or the engineers entirely wrong—for the latter had claimed that the channel could never be kept sufficiently open without dredging, and Mr. Caffery proved that it was necessary constantly to dredge the Southwest Pass. In any case, he said the improvement of the jetties of the Mississippi River did not prove that the whole scheme of river and harbor improvement could be better undertaken and accomplished by some plan other than the one in use (i. e., by the Army Engineer Corps).³⁰

This discussion became very involved and Mr. Caffery was accused by Senator Vest and others of having branded the Eads jetties a failure—an accusation that he emphatically denied.³¹

A feature of the Rivers and Harbors Bill (1896) for which Mr. Caffery was responsible was the appropriation of \$1,173,000 for the completion of improvements begun in Bayou Plaquemine. He had to exert all his ingenuity in persuading the Senate Committee to include this in the bill, and in doing so, an appropriation of \$315,000 for continuing a Calcasieu River project had to be stricken from the measure. It was the policy of the government to have only one such project in each state. Needless to say, political echoes were heard from this, in Louisiana, for it was generally known that while Senator Caffery favored the appropriation for Bayou Plaquemine, Senator Blanchard favored the Calcasieu River project. 32

In the fall of the same year (1896), when the free silver campaign was in full force, and Mr. Caffery was actively supporting the Palmer-Buckner ticket, 33 a sort of riot occurred in Lake Charles, Louisiana, at a political meeting where Mr. Caffery spoke. Subsequently, at a "sound money" rally at Franklin, Louisiana, he commented on the whole incident, denying that he had taken advantage of Senator Blanchard's absence from the Senate in order to secure the Bayou Plaquemine project. He maintained that Senator Blanchard's presence would have made no difference in the Committee's decision, that there was no favoritism

so Congressional Record, 54 Cong., 1 Sess., XXVIII, Pt. 6, pp. 5051-5053.

³¹ Ibid., pp. 5107-5109.

³² Times-Democrat, May 19, 20, 1896.

³² Daily Picayune, September 3, 4, 13, 21, October 17, 19, November 2, 1896; Times-Democrat, September 11, 22, 23, October 3, 1896.

in their recommendation which was based entirely on maps and reports of the Engineer Corps. He said he would gladly have supported both projects, but when he saw there was no chance of securing both, he had communicated with certain prominent Lake Charles men and told them that he would support the Bayou Plaquemine project. He considered it a "disgrace that the people of New Orleans, St. Mary, Iberia, St. Martin, Vermilion, St. Landry and Lafayette have been suffered to pay the highest railroad rates since the war when a little connecting link between their waterway and the Mississippi River" could relieve them of these freight charges. He asserted that it was in the interest of the people of the whole state that he had worked, and for which he had been "so grossly insulted and traduced." And further:

It was for them [the people of the state] to say whether any honorable man representing them is to be treated worse than a felon for daring to espouse their interest and that of the public. I look for no approbation. I fear no censure for any of my public acts. My life is an open book.³⁴

The next year, 1897, we find Mr. Caffery again fighting for the Bayou Plaquemine project, this time objecting strenuously but unsuccessfully to a cut from \$400,000 to \$300,000. He considered that in Louisiana this project ranked only second in importance to the improvement of the mouth of the Mississippi.³⁵

At this same time (February, 1897) Mr. Caffery was responsible for a bill to aid in the improvement of the South Pass of the Mississippi River, by closing the existing crevasse in Pass à Loutre, and carrying with it an appropriation of \$250,000.36 When the House failed to agree to the measure, Mr. Caffery was appointed as one of the Senate conferees.37 The Conference Committee's recommendations were finally accepted, though the Senate had to recede on one or two points.38

In February, 1898, a sub-committee of the Senate Commerce Committee was sent to the mouth of the Mississippi to determine the relative values of Southwest Pass and South Pass. A careful inspection of these two was made, and a cursory one of Pass à Loutre. Mr. Caffery, though not a member of the commission, made the trip as a guest who was deeply interested in Louisiana

³⁴ Daily Picayune, November 2, 1896.

³⁵ Congressional Record, 54 Cong., 2 Sess., XXIX, Pt. 3, p. 2484.

³⁶ Ibid., Pt. 2, p. 1672.

³⁷ Ibid., p. 1875.

³⁸ Ibid., Pt. 3, p. 2125.

and New Orleans. The commission was clearly convinced that the Southwest Pass had many more natural advantages than the South Pass.³⁹

Congress was slow to act on the findings of the commission. Though bills were introduced in both houses of Congress in two successive sessions, nothing came of them. Finally, in February, 1901, as part of the Rivers and Harbors Bill, an appropriation of \$3,500,000 was provided for by the House.40 The Senate scaled down this amount by twenty-five percent, much to the disappointment of Louisiana.41 As the time of adjournment (March 4, 1901) drew near, the fate of the whole bill was very doubtful. Senator Mark Hanna and other advocates of the Ship Subsidy Bill,42 then under consideration, threatened to antagonize the Rivers and Harbors Bill if their measure were sidetracked. The Rivers and Harbors Bill passed the Senate on February 28, in an amended form,43 and was rushed to a Conference Committee and reported back to both houses. On the very last day of the session it was literally "talked to death" (i. e., filibustering was used), in the Senate.44

On one or two occasions Mr. Caffery had an opportunity to express himself on the subject of immigration. During the short session of the Fifty-Fourth Congress (December, 1896-March, 1897), he debated the pending Immigration Bill.45 He did not believe that an educational qualification, as provided for in the bill, should be placed upon immigrants to this country; he felt that this was more properly imposed by the states as a qualification for voting. He maintained that there was no basis to the assertion, made by the advocates of the bill, that immigration should be restricted for the reason that, in some way, it reduced the wages of American laborers. He said that such an argument applied only to the relatively small areas that had an abundance of labor—certainly it did not apply to Louisiana. He felt that by restricting illiterates over sixteen years of age from coming to this country, a large class of hard-working, industrious people, who had been denied the privileges of public education, and who

⁸⁰ Daily Picayune, February 11, 1898.

⁴⁰ Ibid., February 14, 1901.

⁴¹ Ibid., February 19, 1901.

⁴² Ibid., February 16, 20, March 5, 1901.

⁴⁸ Ibid., March 1, 1901.

⁴⁴ Ibid., March 5, 1901.

⁴⁵ Congressional Record, 54 Cong., 2 Sess., XXIX, Pt. 1, pp. 238-239; Pt. 2, pp. 1925-

would make good citizens, if not good voters, were excluded from our shores. He praised the Italians of Louisiana, and resented their being called "undesirables" on the floor of the Senate. He was a little hard put, however, to explain the lynching of the Italians in New Orleans, in 1891.

Another part of the pending bill that he objected to was an amendment by Senator Morgan⁴⁶ that exempted Cubans from the application of the law for the duration of the "present disorders" in Cuba. He claimed that the very fact that this amendment was deemed necessary illustrated the weakness of the bill, for it admitted that political refugees, by the application of the literacy test, could be excluded. He saw no reason, however, why any discrimination should be made in favor of Cuba, at the expense of other people in a similar condition.47

The following year, while again debating on the inclusion of the literacy test in the Immigration Law, Mr. Caffery delivered a lengthy address.⁴⁸ in which he drew the following conclusions:

First: It is not shown that the illiterate immigrants, qualified under the present law, are dangerous or undesirable citizens.

Second: It is not shown that illiterate immigration has produced more of the criminal classes.

He observed, further, "This bill is but the feeble echo of the Nativism, that was rampant in 'Know-Nothing' times."

A measure for which Mr. Caffery fought without much success was the Quarantine Bill which he introduced in December, 1897.49 He explained and spoke in favor of his measure, in a three-hour address on March 22, 1898.50 The main object of his bill was to secure uniform regulations for maritime and interstate quarantine. The chief objection to the bill was that its provisions were in conflict with states' rights in general, and the police powers in particular. Mr. Caffery vigorously contended that his measure was based on Congress' power to regulate commerce and that it did not conflict with the police powers of the states. He said:

The State police power is exercised from an independent authority. It is exercised from an authority inherent in the

⁴⁸ Caffery voted against Morgan's amendment, which was carried and made part of the bill. *Ibid.*, Pt. 1, p. 240.

47 The Immigration Bill passed both houses but was vetoed by the President, November

^{2, 1897.} Ibid., Pt. 3, p. 2667

⁴⁸ Ibid., 55 Cong., 2 Sess., XXXI, Pt. 1, pp. 583-588.

⁴⁰ Ibid., p. 46.
50 Ibid., Pt. 4, pp. 3085-3095; Daily Picayune, March 23, 1898.

States to take care of and preserve the health, the life, the property and the comfort of its citizens. The Federal power to regulate commerce comes from another source. It comes from the direct language of the Constitution. . . . Now, so long as Congress does not act in a regulation of commerce which affects the police power, then the police power is paramount.

He insisted that state quarantines were inefficient and utterly powerless against an epidemic of yellow fever, and that what the country needed was uniformity of action, backed by such financial and legal power as would enable the authorities to cope with the dread diseases that ravaged the country. He inserted a vast amount of statistics and other materials into the Record,⁵¹ in an effort to have his measure passed. It was, however, not even voted upon, much to the disappointment of Mr. Caffery and his constituency.

In the second session of the Fifty-Fifth Congress (beginning in December, 1897), the right of Henry W. Corbett, of Oregon, to a seat in the Senate was questioned. Mr. Caffery was on the Committee on Privileges and Elections, and he submitted that committee's report to the Senate.⁵² The resolution presented in the report declared that Corbett was not entitled to take his seat in the Senate. Mr. Caffery addressed the Senate in support of the resolution, and explained the features of the case. Mr. Corbett had been appointed for a full six-year term by the Governor of Oregon, who claimed that the Legislature of that state had not met. Mr. Caffery showed that it had met and had had an opportunity to elect a Senator, though it had failed to do so. The most interesting feature of the case was the peculiar and complicated language of the Oregon constitution anent the subject.53 The resolution was adopted and Mr. Corbett's seat declared vacant.54

In 1900, Mr. Caffery was drawn, against his will, into the politics of Louisiana. Mr. Don Caffery, Jr., Senator Caffery's eldest son, was persuaded to become candidate for governor on a Populist and Republican fusion ticket.⁵⁵ Fierce resentment had developed in some quarters, against the manner in which Murphy J. Foster had expanded the powers of his office during

⁵¹ Congressional Record, 55 Cong., 2 Sess., XXXI, Pt. 4, pp. 3135-3139, 3361-3376.

⁵² Senate Reports, 55 Cong., 2 Sess., I, No. 505.

⁵³ Congressional Record, 55 Cong., 2 Sess., XXXI, Pt. 2, pp. 1384-1389.

⁵⁴ Ibid., Pt. 3, p. 2275.

⁵⁵ Daily Picayune, February 21, 1900.

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his term as Governor, 1892-1900. He had enlarged, in particular, the appointive power until it was said of him that he was "registrar, assessor, supervisor, commissioner, school teacher," all in one.56

Senator Caffery urged his son not to enter the campaign, but when he did the Senator came from Washington and "stumped" the state in his son's behalf.57 The result of the election was not unexpected. Mr. W. W. Heard, supported by Governor Foster and Senator McEnery, was elected governor. Mr. Don Caffery polled only about 5,000 votes, failing to carry a single parish.58 The most important and distressing outcome of the election as far as Senator Caffery was personally concerned was the break that occurred between the Caffery and the Foster Senator Caffery and Governor Foster, it will be remembered, were cousins, they both lived in the small town of Franklin, and had been closely allied politically. The feud, which lasted for several years, was a source of constant grief to Mr. Caffery.59

Mr. Caffery took a personal as well as a public interest in the length of the term of naval cadets, prescribed by Congress. Before 1872, naval cadets attended Annapolis four years and then received their commissions. In that year, because there was a surplus of naval officers, a two-year term of sea service was added as a requirement for a commission. In 1900 and again in 1901,60 he tried to have this requirement removed, while the Naval Appropriation Bill was under discussion. The following were the chief points in his argument: first, naval cadets should not have a longer term than military cadets; second, if all the Annapolis graduates and all those doing sea duty were commissioned, there would still be a shortage of naval officers; third, Admiral Dewey, and other famous seamen, had only four years of training; fourth, cadets, while doing sea duty, did the work and often had the responsibility of commissioned officers.

He was accused of allowing his devotion for his son, John, who had graduated from Annapolis, to have influenced him in his stand. He acknowledged this "admonition of filial love," but continued to fight the provision without any success.

⁵⁶ Letter by Mr. Don Caffery, Jr., addressed "To the People of Louisiana," March 31, 1900. Times-Democrat, April 1, 1900.

57 Interview with Mr. John Caffery; Times-Democrat, April 8, 1900.

58 White, loc. cit., V, 19.

59 Interview with Mr. John Caffery.

60 Congressional Record, 56 Cong., 1 Sess., XXXIII, Pt. 6, pp. 5220, 5266, 5284; 56

⁶⁰ Congressional Record, 56 Cong., 1 Se Cong., 2 Sess., XXXIV, Pt. 3, pp. 2132-2135.

One of the last bills upon which Mr. Caffery debated before leaving the Senate was the Ship Subsidy Bill. Senator Hanna was particularly anxious to have the measure pass. It will be remembered that as Congress neared the end of the short session (March 4, 1901), 61 the Subsidy Bill and the Rivers and Harbors Bill were before the Senate. The southern Senators were very much concerned over the passage of the latter, for it carried the appropriation for the improvement of the mouth of the Mississippi. Both measures were killed by filibustering—Hanna and his group defeating the Rivers and Harbors Bill, and the southern Senators, the other.62 Mr. Caffery made the following illuminating comment:

I would have gone, but had to stay to help in the fight on the Subsidy Bill. I have not finished my speech yet, and may never finish it. But will try to do so at the first opportunity. Everybody says I killed the Bill-by threatening a long speech. I was about to finish, when I had the floor, but our side suggested that I hold on for another day. Then I was side-tracked by other Bills. Hanna looks on me as the main author of his defeat, at which I am delighted. He is a tyrant and deserved defeat. His Bill is a regular raid on the Treasury.63

The speech64 to which Mr. Caffery referred, although it was undoubtedly part of the filibuster plan of the opponents to the Subsidy Bill, smacks of sincerity and honesty. He considered that the purpose of the bill was other than was set out in the title—that its real purpose was "to furnish a gratuity, a donation, to certain steamship lines now in existence." Further, the text of the bill was the most complex and intricate he had ever come across. He volunteered a very simple method by which the admittedly high cost of ship-building could be reduced, namely, by removing or lowering the high duties on coal and steel.

The list of subjects discussed in this study does not give an accurate indication of the large and varied scope of Mr. Caffery's interest. He concerned himself with such matters as trusts;65 corporate influence in elections; 66 filled cheese; 67 the licensing of mates on river and ocean steamers;68 the purchase of books

⁶¹ Daily Picayune, February 20, 1901.
62 Ibid., February 16, March 5, 1901.

 ⁶³ Letter from Donelson Caffery to his wife, February 16, 1901.
 ⁶⁴ Congressional Record, 56 Cong., 2 Sess., XXXIV, Appendix, pp. 227-240.
 ⁶⁵ Ibid., 54 Cong., 1 Sess., XXVIII, Pt. 1, p. 606; 55 Cong., 1 Sess., XXX, Pt. 2, p. 2207.

Ibid. 54 Cong., 1 Sess., XXVIII, Pt. 1, pp. 226-227.
 Ibid., Pt. 6, p. 5778.
 Ibid., 55 Cong., 2 Sess., XXXI, Pt. 1, p. 135.

for the Library of Congress; 69 the establishment of the International American Bank; 70 hazing at West Point; 71 and, of course, in an inordinate number of private bills⁷² and others too numerous to mention.

CHAPTER VII

CONCLUSION

Retirement to Private Life—Life from 1901 to 1906—Making a Fortune-Estimate.

A year or two, perhaps longer, before his term expired (March 4, 1901), Mr. Caffery knew that he had no chance of being reelected to the United States Senate. His independence of thought and action, and his refusal to curry popular favor did not conspire to make him a success as a practical politician. It has been said of him: "He aimed at what he considered the public good and was ready to take consequences if his views and acts did not suit his constituency."1

It was really his steadfast stand on currency that numbered his political days, for this alienated him nationally and locally from the Democratic Party. The stand he had taken against the sugar bounty in 1894, and against the excessively high sugar duties in 1897, while unpopular with many Louisiana sugar planters, was in line with Democratic principles and not unpopular with a large part of his constituency. Nor would his attitude toward the Cuban situation and the resulting war with Spain, though he was not in accord with public opinion, have caused him to lose favor as completely as he did.

In 1900, the Louisiana Legislature elected Murphy J. Foster to succeed Mr. Caffery.2 This fact widened the breach3 between these kinsmen and erstwhile personal and political friends—a breach that had its origin in the recent politics of Louisiana,4 and in differences of opinion on the currency question.⁵ This was a source of the keenest distress to Mr. Caffery: Happily, their friendship was renewed when they met at a Confederate

⁶⁶ Ibid., 54 Cong., 1 Sess., XXVIII, Pt. 4, p. 3421.

 ⁷⁰ Ibid., 55 Cong., 2 Sess., XXXI, Pt. 6, pp. 5818-5819, 5824-5825.
 71 Ibid., 56 Cong., 2 Sess., XXXIV, Pt. 2, pp. 1074-1075.
 72 Ibid., 55 Cong., 2 Sess., XXXI, Index, p. 74; 56 Cong., 1 Sess., XXXIII, Index, pp. 94-95.

¹ Violette, loc. cit., IV, 531. ² Louisiana Senate Journal, 1900, p. 43.

³ Times-Democrat, December 31, 1906. ⁴ Interview with Mr. John Caffery. ⁵ Times-Democrat, December 31, 1906. 6 Interview with Mr. John Caffery.

reunion in New Orleans, in 1903, and Miss Gertrude Caffery, Mr. Caffery's favorite daughter, took her father's hand and placed it in that of Senator Foster. She was said to have been the only person in Louisiana who could have persuaded her father to shake Senator Foster's hand.⁷

When Mr. Caffery left the Senate in 1901, he was in financial straits and greatly depressed.⁸ His salary as United States Senator had never been quite adequate for the needs of his large family, and running his sugar business at long distance, as it were, had not proved very successful.⁹ His plantation and home¹⁰ were mortgaged; his income from the firm of D. Caffery & Son¹¹ was not large, and he felt that he had his life almost to begin over again. However, he loved the comparative quiet of his law office and sugar plantation in contrast to the hubbub of the Senate and apparently had no regrets about retiring to private life.

An outstanding, and most distressing, event of Mr. Caffery's last years occurred in 1902. While out fishing with his youngest son, he sustained a bruise on one of his fingers, which resulted in blood poison. His finger had to be amputated and for a time his life was despaired of. It was only after months of desperate illness that he finally recovered and was later able to resume his law practice.¹²

By 1906, Mr. Caffery had become a wealthy man, though at the time of his death the New Orleans newspapers exaggerated the extent of his wealth.¹³ The major part of this was made in one lawsuit handled by his firm in 1903. The suit involved the title to the land on which the Jennings (La.) oil field is now located. Mr. Caffery's portion of the fee was five percent of the land, if he were successful. The case was finally decided in 1905, and the fee brought him a fortune.¹⁴

Senator Caffery died in New Orleans, where he had gone on business, on December 30, 1906, surrounded by his devoted family and friends. The press reports, editorials, etc., on such

⁷ Times-Democrat, December 31, 1906.

⁸ Letter from Mr. John Caffery, Franklin, La., June 17, 1935, to the writer.

⁹ Letters from Donelson Caffery to his wife: February 21, 1893; December 6, 1894; February 22, March 12, 1898.

¹⁰ In the 1880's Donelson Caffery purchased "Haifleigh," a large ante-bellum residence, near Franklin, La.

¹¹ This firm was composed of Senator Caffery and his son, Don Caffery, Jr., and was located in Franklin, La.

¹² Letter from Mr. John Caffery.

¹³ Times-Democrat, December 31, 1906

¹⁴ Letter from Mr. John Caffery.

occasions often, no doubt, exaggerate a man's virtues and minimize his faults, but as one reads these concerning Mr. Caffery, there is such a note of truth and sincerity, that there is no room to doubt the high esteem in which he was held generally.15

The phrase which best describes him, hackneyed though it may be, is that he had the courage of his convictions. This was the keynote of his political career, and, indeed, of his whole life. Even at times when he became aligned on the unpopular side of the political issues of the day, and was the target of bitter criticism and denunciation, he was always lauded for this virtue—a virtue that cost him his seat in the United States Senate.

Mr. Caffery was a man of unblemished public life; his record was always clear and free from any breath of scandal. Nor was his private life ever attacked by a political enemy, though he was prominent in several campaigns notable for their bitterness and virulence. If courage and honesty and independence of thought count for anything, he must be ranked among the two or three foremost Louisiana statesmen since the Civil War. At his death it was said: "A good and a strong man has passed to the unknown, leaving to his descendants the proud heritage of a life well spent and of clean hands in an era of avarice and chicanery."16

BIBLIOGRAPHY

General Works

Bogart, Ernest Ludlow, An Economic History of the United States, New York, 1926.

Dewey, Davis Rich, Financial History of the United States, New York, 1928.

Dewey, Davis Rich, National Problems, 1885-1897 (A. B. Hart, ed., The American Nation: a History, 28 vols.), Vol. XXIV, New York, 1907.

Fish, Carl Russell, The Path of Empire (Allen Johnson, ed., The Chronicles of America Series, 50 vols.), Vol. XLVI, New Haven, 1921.

Jahnson, Allen, and Malone, Dumas, eds., Dictionary of American Biography, 20 vols., New York, 1928-1936.

Latané, John Halladay, A History of American Foreign Policy, 1763-1934, Garden City, N. Y., 1934.

Latané, John Halladay, America as a World Power (A. B. Hart, ed., The American Nation: a History, 28 vols.), Vol. XXV, New York, 1907.

 ¹⁶ Times-Democrat, December 31, 1906; Daily Picayuns, December 31, 1906.
 ¹⁶ Times-Democrat, December 31, 1906.

Latané, John Halladay, The United States and Latin America, Garden City, N. Y., 1920.

Rhodes, James Ford, History of the United States from Hayes to McKinley, 1877-1896, New York, 1919.

Skinner, Constance Lindsay, Pioneers of the Old Southwest (Allen Johnson, ed., The Chronicles of America Series, 50 vols.), Vol. XVIII, New Haven, 1921.

Stanwood, Edward, A History of the Presidency, 1788-1896, Boston, 1898.

Stanwood, Edward, A History of the Presidency, 1897-1909, Boston, 1912.

Stanwood, Edward, American Tariff Controversies in the Nineteenth Century, 2 vols., Boston, 1903.

Taussig, Frank William, Some Aspects of the Tariff Question, Cambridge, Mass., 1915.

Taussig, Frank William, The Tariff History of the United States, New York, 1914.

Newspapers and Periodicals

American Economist, Vol. XIV, New York, 1894.

Daily Picayune, New Orleans, 1879, 1892-1906.

Louisiana Planter and Sugar Manufacturer, New Orleans, 1894-1897.

Louisiana Sugar Report, 1894-1898, A. Bouchereau, ed., New Orleans.

New Delta, New Orleans, 1890-1892.

New Orleans Democrat, August 30, 1876.

New Orleans Republican, 1876.

New Orleans Times, 1879.

Opelousas Courier, June 21, 1879.

Times-Democrat, New Orleans, 1891-1906.

St. Landry Clarion, Opelousas, September 15, 1894.

Public Documents

Congressional Record, 1893-1901, Washington, D. C.

Journal of the Louisiana Constitutional Convention, 1879, New Orleans, 1879.

Senate Documents, Vol. II, 1903-1904, Washington, D. C.

Senate Journal of Louisiana, 1892-1900, Baton Rouge, La.

Senate Reports, Vol. I, Miscellaneous, 1897-1898, Washington, D. C.

Articles and Monographs

Alwes, Berthold C., "The History of the Louisiana State Lottery,"
M.A. Thesis, Louisiana State University, 1929.

- Violette, E. M., "Donelson Caffery—A Louisiana Democrat Out of Line," in *Louisiana Historical Quarterly*, Vol. XIV, pp. 521-532 (Oct., 1931).
- White, Melvin Johnson, "Populism in Louisiana During the Nineties," in *Mississippi Valley Historical Review*, Vol. V, pp. 3-19 (June, 1918).

Pamphlet

Donelson Caffery, Collected and Printed from the St. Mary Record on January 5, 1907, and Presented by the Record to Mr. Caffery's Family.

Letters

- Letters from Donelson Caffery to his wife, Bethia Richardson Caffery. In possession of Mr. John Caffery, Franklin, La.
- Letters from Mr. John Caffery, son of Donelson Caffery, to the writer: June 17, 29, 1935.

Personal Interviews

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With Mr. John Caffery, Franklin, Louisiana, February, 1935. With Mr. V. L. Roy, Baton Rouge, Louisiana, February, 1935.

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA LXXIX.

February, 1785. (Continued from October, 1943, Quarterly)

By LAURA L. PORTEOUS
(With Marginal Notes by Walter Prichard)

Spanish officials appearing in this installment:

Esteban Miró, Colonel of the Royal Armies and Political and Military Governor of the Province of Louisiana.

Martin Navarro, Intendant General of the Province of Louisiana. Juan Doroteo del Postigo y Balderrama, Assessor General and Auditor of War for the Province of Louisiana.

Phelipe Treviño, Graduated Lieutenant Colonel of the Regiment of Infantry of Louisiana and Military and Civil Commander of Fort Panmure in the District of Natchez, appointed to act as Judge in this case.

Joseph Capetillo, a soldier of the Garrison at Natchez, appointed to act as Clerk of Court in this case.

Francisco Bouligny, Graduated Lieutenant Colonel and Sergeant Major of the Regiment of Infantry of Louisiana, appointed by order of Esteban Miró, Governor ad interim, to act as Fiscal, or Prosecuting Attorney, in this case at New Orleans.

Estevan Minor, appointed to act as Interpreter at Natchez.

Juan Carreras, Second Corporal, appointed to act as Clerk of Court in this case at New Orleans.

Juan José Duforest, Interpreter for the Court at New Orleans.

Luis Perras, appointed to act as Interpreter in this case at New Orleans.

Zenon Trudeau, Graduated Captain and Lieutenant of Grenadiers of the Regiment of Infantry of Louisiana, named by George Rapalie as his Attorney for the defense in New Orleans.

Andres Armesto, Secretary of the Government in New Orleans.

Rafael Perdomo, Notary Public and Clerk of the Court in New Orleans.

Josef Ducros, Receiver General of Louisiana at New Orleans.

Bernardo de Galvez, Lieutenant General of the Royal Armies, Governor and Captain General of the Province of Louisiana and Both Floridas, and Viceroy of New Spain (Mexico). Felix del Rey, Judge of the Royal Audiencia of New Spain (Mexico) and Auditor of War for that Viceroyalty.

Juan de la Bilbef (de la Villebeuvre); Graduated Lieutenant Colonel Carlos de Grand Pré; Lieutenant Colonel Pedro Piernas; Graduated Captain Francisco Colleyll: Commanders of the Post of Natchez, from 1781 to 1785, as mentioned by George Rapalie in his confession.

February 14, 1785.

No. 70. 99 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

Appointment and Acceptation of the Office of Clerk of the Court.

This case is an outgrowth of the general spirit of discontent with Spanish rule in the Natchez District in the years immediately following the close of the War of the American Revolution.

As a result of the Seven Years War (1756-1763) Great Britain acquired from France, Canada and all the territory east of the Mississippi River except the Isle of Orleans, and Spain ceded Florida to England. All Louisiana west of the Mississippi, together with the Isle of Orleans east of that river, had been ceded by France to Spain by secret treaty in 1762.

Spain by secret treaty in 1762.

Out of the southern part of these former French and Spanish territories England erected the two new provinces of East and West Florida in 1763. Of the two new provinces West Florida was much the more important. It extended from the parallel of the mouth of the Yazoo River (about 32° 28') on the north to the Gulf of Mexico on the south, and from the Mississippi on the west to the Appalachicola (or Chattahoochee) on the east. Natchez was the most important post on the Mississippi in the British Province of West Florids. The Natchez District had been important while in French possession, and under British control many settlers located there, coming from the Atlantic seaboard colonies or from Europe. These new settlers were

In Fort Pamur of Natchez, on the fourteenth day of the month of February of one thousand seven Criminal Proceedings prose- hundred and eighty-five, I, Phelipe cuted against Jorge Rapalie Treviño, Lieutenant Colonel of the charged with the Crime of Regiment of Infantry of Louisiana Rebellion in the District of and Military and Civil Commander Natchez. of the said Fort and District, in order to begin the case that must be prosecuted against Jorge Rapalie, a resident of this District, accused of the crime of having attempted to incite a rebellion, name, for the present, as Clerk, a soldier of this Garrison, Joseph Capetillo, to assist me, who accepts the charge, offering to serve legally and with due integrity. In testimony whereof I sign with him. setting this down as a matter of record. (Signed) Phelipe Treviño; Joseph Capetillo.

divided in their allegiance during the American Revolution, some of them remaining loyal to the British and others leaning to the side of the American colonies in their struggle for independence from the mother

Spain joined France against Great Britain in 1779, and before the close of the Revolutionary War in 1783 Bernardo de Galvez, Spanish Governor of Louisiana, had conquered all the British posts in West Florida, and the Spanish expected to acquire both East and West Florids by the terms of the definitive treaty of peace which should end the war. However, Great Britain hoped to be able to hold the Floridas in her possession after the war ended. In 1782, Great Britain and the United States signed a preliminary treaty of peace, by which the Southern boundary of the United States was fixed at the 31st parallel from the Mississippi to the Appalachicola (or Chattachoochee); but a secret clause was inserted in this treaty, by which the northern boundary of West Florida was to be fixed at the parallel of the mouth of the Yazoo River, if England retained the Floridas in the definitive treaty of peace which was yet to be made.

made.

In the definitive treaty of peace, signed in 1783, England ceded the Floridas to Spain; but the United States insisted that in the preliminary treaty of 1782 Great Britain had fixed the northern boundary of West Florida at the 31st parallel. The territory between the 31st parallel and the parallel of the mouth of the Yazoo, the most important settlement in which was the Natchez District, was in dispute between the United States and Spain from 1783 to 1795, when Spain relinquished her claim to the territory north of the 31st parallel by the terms of the Pinckney Treaty.

Some of the settlers in the Natchez District were discontented with Spanish rule, and were apparently anxious for the United States to assert her claim to possession of the region. But the Spanish authorities were aware of the discontent and were keeping a close watch upon the activities of those in favor of American occupation of the region.

George Rapalie made the mistake of talking too much of the plans of the malcontents and thus fell into the hands of the Spanish authorities, who made an example of him by haling him into court and sentencing him to banishment from the Province.

The case therefore contains much of interest to the student of history, but it has few points of interest to the student of Spanish law and procedure. The proceedings in this case were irregular.

In order to proceed with the Appointment and acceptation of the Intaking of the necessary declarations to prove this crime, it will

be essential to name a trustworthy person entirely satisfactory to every one, who will serve as Interpreter to translate English into Spanish. I therefore appoint, for the present, Adjunt of this Port, Estevan Minor, as such, who accepts the appointment which has been made and swears with the customary formalities to serve in this Office of Honor, legally and with due integrity, to the best of his knowledge and ability, and in testimony whereof he signs, the Clerk setting this down as a matter of record. (Signed) Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Captain of Militia, Ricardo Arison (Harrison), 1st witness.

In the abovesaid Fort, on the said day, month and year, there appeared before the aforenamed Civil and Military Commander, Ricardo Arison, (Harrison) who promised on his word of honor, with the customary formalities, to speak the truth upon whatever he will be questioned, and through the Interpreter he was asked whether he knew Jorge Rapalie and the reason for his imprisonment? He answered he knew him quite well and that he is a prisoner because he attempted to start a revolt against the Spanish Government in this District.

Asked how does he know this and why is he certain of it? He answered, from what the people of the District say and because he, himself, has heard him speak ill of the Spanish Government.

Questioned: He must state with greater clarity as to what offensive words he has heard this person use against the Spanish Government, naming, at the same time, the residents of the District who were present and what they told him of Jorge Rapalie's attempt to start a revolution and whether he induced others to join him? He answered that one day, about six weeks ago, he was in Natchez, and he went to the house of the merchant, Guillermo Smith, at which time he heard Rapalie who was screaming very loudly, and at the deponent's entrance he left, saying in a high voice that the Commander of this Post had offended and maltreated him but that he did not care what he might do to him, that he despised the Commander and the Spanish Government like the sole of his shoe and that both could kiss his rump, that he lived in hope that before two months had passed it would not be in their power to inconvenience him any more, at which time he would be revenged. To this the witness reproached him, warning him that he should control himself in his manner of making such offensive statements, cautioning him that this humane and free government would punish him with perpetual exile for his audacity, which would undoubtedly happen if it came to the knowledge of the Commander of this Post, and answering the same as he has declared he had heard in the beginning he mounted his horse and rode away. The deponent entered Smith's house, found the latter there with several other persons, whose names he does not remember, except Guillermo Ferguson who left when he approached the house, he having heard a part of what he is going to relate, which he, the deponent, disregarded, omitting to inform his Commander because he did not imagine that this Post would be transferred in the future.

As for what concerns Rapalie's intended revolution he can only say that after the accusation of the latter he heard it said indiscriminately by the inhabitants, in their conversations, that Rapalie was imprisoned because he had attempted to start a revolution, and particularly by Mr. Benjamin Monsanto whom Jorge Rapalie had invited to dine with him, and during the conversation at the table he said that Jacito Galliard must leave the District if he did not take the Oath of Fidelity. To this Rapalic answered that by no means would he leave, nor would he take the said oath, and that in case the Commander of this Post would try to compel either one or the other to so do, within a period of twenty-four hours a very considerable and sufficient force would assemble that would resist him, and that before very long the Commander of this Post will be the one in the case to take the Oath of Fealty before Jacito Gaillard; that the latter had sown his seeds of tobacco and had prepared to make the rest of his crop, which he will gather in his own time, and failing to do so the Chactas (Choctaw) Indians will come to harvest it. He must also say that the deponent's brother-in-law, Jaime Truley, had told him, after Rapalie's arrest, that one day on the road, coming on horseback from his plantation located in the Post of Colles Creek, he met Rapalie with Guillermo Farguson, Cato West, Tomas Green and David Holt, and as he approached them he says he heard their conversation of how advantageous it would be to have a rich man in this District who would establish a Bank that would receive money at interest and in the same way would advance it to the people who needed it. To what was said Rapalie answered that the real way for all the people to become rich was for them to unite to declare and to make known the independence of this Post to the Spanish Government. This is as much as he can say about what he has been questioned.

Asked whether he knew, or had heard it said that Jorge Rapalie had been alone in the attempted revolution, or whether there were others who put it into his head, did any certain number of people attend him and whether they had already gained his favor? He answered he did not know anything about what he is questioned.

Asked to state what had been Jorge Rapalie's conduct in this District? He answered it had always been bad and he was recognized by people of integrity as a man very harmful to public good.

Questioned whether he knew, or has heard said, what the intentions were of the persons mentioned regarding the attempted revolution? He does not know and has nothing more to say in this matter.

And having made him understand his declaration and seen it to be his own as he had given it, he ratified and signed it with the abovenamed Commander, Interpreter and the Escribano. (Signed) Wm. Harrison; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of the merchant of this Post, Guillermo Smith, 2nd witness.

In the aforementioned Fort, on the said day, month and year, the Commander caused to appear be-

fore him, Guillermo Smith, resident and merchant of this Post, and after having taken due oath upon the Holy Evangelists, according to the usage of his religion, he was asked whether he swore to God and promised the King to speak the truth on the points upon which he will be questioned, and to this he answered, yes, he swore.

Asked where he was born and what is his name? He answered Guillermo Smith and that he is a native of London, England.

Asked whether he is acquainted with George Rapalie, a resident of this District, and whether he knows the reason for his imprisonment? He answered he knows him as a resident of this District and that he thinks he is held a prisoner because he spoke ill of the government, having himself heard him, and for having attempted to start a revolution, according to what he had heard several persons say after he was taken prisoner.

Questioned to state, with greater clearness, the words he heard Jorge Rapalie use against the government, naming the persons who were present? He answered, as he has said, he heard Rapalie speak ill of the Spanish Government and the Commander of this Post quite frequently, but he does not remember very well what abusive words were spoken, nor the persons present, recollecting only one occasion on which Captain of Militia Ricardo Arison (Harrison) of this Post had a serious dispute with Rapalie solely because he had talked against the Spanish Government. This took place in Natchez, on the gallery of the Witness' house, and on this day he distinctly remembers to have heard Rapalie say that he fully despised the Spanish Government and the Commander of this Post and that both could kiss his rump, and he recalls that at this time, in the house, Ricardo Arison reproached him as to how he could speak ill of the Spanish Government, having received so many favors from it. To this he answered that even if it had done him favors, he valued them as nothing and that if Señor Don Estevan Miro had favored him, he was forced to it by necessity, as he had to be of service to him more through fear than anything else; that the Commander of this Post was a bad, despicable man, who had a black heart and a white liver and that before long he would pay the latter and his creditors, Mr. Chavot, in particular, as they deserved. This is as much as he heard said at this time.

Questioned whether he had ever heard him speak of a revolution he intended to cause, what did he say, who was present and at what place? He answered that one day, dining at Sutton Bankes' house, when the witness, the owner of the house, Jaime Elliot, Ricardo Ellis, and Jorge Rapalie with his wife were at the table, the latter said that in a short while this Post will be American at which time they could take revenge on their enemies, and that in this day there was no justice. The deponent was uncomfortable so he went to take a walk on the gallery of the house until dinner was over. Then Rapalie called Jaime Elliot aside and talked to him for a long while in a very mysterious way. Just as soon as they finished, Elliot and the witness mounted their horses to come to Natchez, and on the road Elliot told him that Rapalie had continued talking at the table, giving them to understand that there would be a revolution in the District and that when he had called him aside, after dinner, it was to make him a confident in what he intended to do, telling him that he was at the head of all and that he had a list signed by forty-nine of the most important people of the District, among them Jacito Galliard, Parker Caradine, Cato West, Tomas Green, and several others whose names he does not remember, who had agreed to take part in the revolution, and that eight hundred pounds of powder had come to them from the Tribes. They had besides two swift Indians to send to the Chacta and Chicacha (Chickasaw) Nations to warn Alexandro and Jaime Frazier with whom they had an agreement for the purpose, as they had offered to come with two hundred men each, that they had ready and well armed, prepared for whenever they would be needed. At which moment they would, in this way, present themselves to the Commander so that he would deliver the Fort to them, making him see that this was an American country and must be governed by its laws, and if the Commander should refuse to surrender the Fort to them, they would then attack it and take it by force.

He must also say that Sutton Bankes had told him that Rapalie had said he had been to the Post of Colles Creek to sound out the inhabitants there about the undertaking, and that all were ready to take up arms and only debated for the person they should name who would command the revolution.

He must also note that he heard Benjamin Monsanto, resident of Pointe Coupée, and Guillermo Pounteny of this Post say that on the day they were invited by Jorge Rapalie to dine, the latter, at the table, said several things of the greatest consequence, giving them to understand his impressions, among them that Colonel Jacito Gallaird would by no means take the Oath of Fealty to the Spanish Government and that the Commander of this Post would see himself, before very long, compelled to take the Oath of Allegiance before Jacito Gallaird. This is as much as he knows and can say in this matter.

Asked to state whether he knows what Jorge Rapalie's conduct has been in this District? He answered that all he can say is that in the short time he has been in this Post, this person's conduct has always seemed orderly.

Asked whether he has anything else to say that may be conducive to the greater clarity of this cause, if so, let him state it? He answered he has nothing more to say, and having read his declaration to him so that he might render himself master of it, would see whether it was his own as he had given it, whether he had anything to add to, or take from it, and whether he ratified it in all? He answered he had understood his declaration, that it is his own, as he has given it, he has nothing to add to, nor take from it and he ratifies it in all in accordance with the oath he has taken, because it is the truth, and he signed it with the Commander and the Escribano. (Signed) William Smith; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of a resident of Pointe Coupée, Benjamin Monsanto, 3rd witness.

In the said Fort, on the same day, month and year, the Commander caused to appear before him, Benjamin Monsanto, resident of Pointe Coupée, and having taken due oath on the Holy Evangelists according to the usage of his religion, he was asked whether he swore by God and prom-

ised the King to Speak the truth upon the points on which he will be questioned? To this he answered, yes, he swore.

Asked his name and where born? He answered his name is Benjamin Monsanto and he was born in La Haya (The Hague), Court of the Seven United Provinces.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District and does he know the reason for his imprisonment? He answered he is acquainted with him as a resident of this District and knows him to be a prisoner because he has heard it said that he attempted to start a revolution?

Asked to name the persons he had heard say this? He answered that Guillaume Pountuney was the first of those he had heard say it, on the day Rapalie was arrested. He also heard Jaime Elliot and several other persons say so indiscriminately.

Asked to state in what terms he had heard it said that Jorge Rapalie intended to start a revolution, against whom was it directed, had he gained any number of adherents to his party, as though he were the head of it, and who did they follow? He answered that Jaime Elliot told him he heard Rapalie say publicly, that for his undertaking he had a list of forty-nine persons who had signed to follow him, he being at the head of all, and that he would take the Fort without difficulty. Jaime Elliot opposed him, who could not figure how he could take the Fort, considering that they did not have sufficient powder in the District. To

this Rapalie answered that the lack of powder need not disturb them because for this purpose he had eight hundred pounds hidden in a certain place. This is as much as he can say in answer to the question put to him.

Asked whether since he has been in this Post he has ever been in Jorge Rapalie's company at any time, and whether he heard proposals that showed what he intended? He answered that about fifteen days before, Jorge Rapalie invited the witness to dine at his house with Guillermo Pountuney (Pountney) and Jaime Elliot, and while talking at the table he said that the time was approaching that would end the eighteen months stipulated in the Definitive Treaties for the residents of the conquered Provinces to ratify their Oaths of Allegiance, and not doing so they must leave the country, and Colonel Jacito Gallaird finds himself in this contingency. To this Rapalie said that Colonel Gallaird would by no means leave the District even though they should order him to go, nor would he take the Oath of Allegiance to the Spanish Government, rather to the contrary, it will be the Commander of this Post, who before long will find it necessary to take this said oath before Colonel Jacito Gallaird. The above is what he remembers took place on the occasion about which he has been speaking.

Asked whether he has heard said what had been Jorge Rapalie's conduct in this District? He answered he had heard it said that he is a man given entirely to drink, guilty of very bad conduct and is in debt for more than he can pay.

Questioned whether he has anything else to say that may be conducive to a greater clarity of this case, if so, let him state it? He answered he has nothing more to say, and having read his declaration to him so that he might render himself master of it, would see whether it was his own, as he had given it, whether he had any thing to add to, or take from it, and whether he ratified all of it? He answered he understood his declaration, it is the same as he has given, he has nothing to add to, nor take from it, and he ratifies all of it.

Asked his age? He answered he is thirty-five years old, and he signed with the Commander and the Escribano. (Signed) Benjamin Monsanto; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Guillermo Pounteny, resident of this Post, 4th witness.

In the aforesaid Fort, on the same day, month and year, the Commander caused to appear before him, a resident of this District, named Guillermo Pountney, who taking due oath on the Holy Evangelists, according to the usage of his religion, was questioned as to whether he swore by God and promised the King to speak the truth upon the points on which he would be questioned? He answered, yes, he swore.

Asked his name and where born? He answered he is called Guillermo Pountney and was born in the city of Dublin, Ireland.

Questioned whether he is acquainted with Jorge Rapalie, a resident of this District, and whether he knows the reason for his suppression? He answered, yes, he is acquainted with him and knows him to be a prisoner because he attempted to start a revolution.

Questioned as to how he knows this and by what reason is it evident to him? He answered that about fifteen days before, Jorge Rapalie invited him to dinner in company with Benjamin Monsanto, a merchant of Pointe Coupée, and Jaime Elliot, a resident of this District. In course of conversation, at the table, it was said that Colonel Jacito Gallaird must leave the District if he did not decide to take the Oath of Fidelity to the Spanish Govern-To this Rapalie answered that Gallaird would neither take the Oath of Allegiance, nor would he leave the District, even though he were ordered to do so. To this the deponent retorted that it will be impossible for Colonel Gallaird to remain in this District, by force, or against the will of the Government. which Rapalie replied, yes, he will remain, and that there were people in the woods who would support him, and he concluded by saying that the Commander of this Post would be the one who will be compelled to take the Oath of Allegiance before Gallaird, and Rapalie's wife said that Colonel Gallaird had all his negroes armed to defend him. The witness did not take notice of what he heard on this occasion, rejecting it as folly, then a few days later he heard from several of the poor people of the District that Rapalie intended to attempt something and that they were working for him. This is all he remembers of what was said at the table the day he dined at Rapalie's house, which was the day before he went to prison, and that on the day Court was held, there were a number of people in Natchez to see Rapalie, among them several very ordinary persons to whom he was mysteriously reading some papers. This act caused him to begin to suspect again that Jorge Rapalie's attempted revolution must be true, and fearing to be included in the latter's crime, he communicated his suspicions to Benjamin Monsanto, telling him what he had observed and that he did not know what he should do and whether or not he should notify the Commander, fearing to be compromised because he was not fully certain of the plan, but on the following day he met Cato West and Jaime Elliot, and those two gave him a clearer idea of what Rapalie intended, telling him that he had talked to them about his project.

They then decided to warn the Commander, but did not know how to do so without exposing their persons, should it become known in the District that they had given the information. To this the witness answered it was necessary to notify the Commander of what had taken place. On the following day they assembled at his house to determine how and in what way they could do so, but to no purpose, because Rapalie was apprehended on the same night. This is as much as he knows about the matter.

Asked what has been Rapalie's conduct in the District? He replied that in the beginning Rapalie's conduct was orderly, but for some time past this party has become abandoned as may be proven from his innumerable debts.

Asked whether he has anything else to say that may be conducive to a greater clarity of the cause, if so he must state it? He answered he has nothing more to say, and having read his declaration to him so that he might understand it, see whether it was his own, as he had given it, whether he had anything to add to, or take from it, and whether he ratified it? He answered that he understood his declaration, it is his own, as he has given it, he has nothing to add to, nor take from it, and he ratified it.

Asked his age? He answered thirty-seven; and because it is thus he signed with the Commander and the Escribano. (Signed) William Pountney; Estevan Minor; Philipe Treviño; before Joseph Capetillo.

In the said Fort, on the same day, month and year, the Commander caused to appear before him, Jaime Truley, resident of this District, and by means of the Interpreter he took due oath upon the Holy Evangelists, according to the customs of his religion, and questioned whether he swore by God and promised the King to speak the truth upon the points on which he would be questioned? He answered, yes, he swore.

Asked his name and where born? He answered his name is Jaime Truley, and he was born in the Province of Virginia, in New England.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District, and does he know the reason for his imprisonment? He answered he is acquainted with the person named, for what is cited, he has heard it said that he is a prisoner because he has attempted to incite a revolution.

Asked to state what person he had heard say this and what motives have they given for it? He said he had heard several persons speak of Jorge Rapalie's attempted revolution, remembering, in particular, Guillermo Pounteny, Benjamin Monsanto and Jaime Elliot, who have told him of several acts, which he does not remember very well, but to his way of thinking they fully prove the intended revolution, and besides the witness has heard Jorge Rapalie's propositions. rejected at the time, but they gave him to understand his evil designs.

Asked to state with greater clarity and more minutely the propositions that Jorge Rapalie had made, naming whether there were any persons present? He answered there were about ten who had gone to his plantation, situated on Colles Creek, and Jorge Rapalie came to the witness' house and told him he wished to go to Jaime Elliot's plantation because he had to talk to him. To this the deponent agreed and mounted his horse to direct him to it. On the road, at the pass, they went into Tomas Green's house, who, after the first formalities, asked Rapalie whether his infant was baptized. He said, no. The former continued, telling him that it would be a long time before she could be baptized, considering that in this day there was no Minister in the District to administer it. To this Rapalie replied that before long he thought it possible Ministers would come here. Green answered that this could very well happen, and after several other indifferent things were said, the three left there and went to Cato West's plantation. They met the latter on the road, who joined them. Rapalie continued to go on with them, and they engaged in extensive conversation which the deponent could not understand. Rapalie was the only one he could hear distinctly. He said we must drive the Spaniards out of the District.

Cato West separated from them to go to his plantation, and the others continued along the road where they met Guillermo Forguson, David Holt and Guillermo Wilson, and entering into their conversation the latter said it would be advantageous to have a Banker in the District who would have sufficient funds to be able to make advances at a certain interest to persons who might need it, giving them one whole year to repay the loan. To this Rapalie answered that the best Banker they could name was to make this District an Independent Province, they, themselves, making the money and distributing it, giving to each person a hundred peso note, the real and only way they could have money. To this Forguson replied that such an enterprise was also a sure way, for those who attempted it, to see themselves in a very strong house in New Orleans. With this the conversation ended, which is as much as he knows and can say on what he has been questioned.

Asked whether he knows any other person who might have been associated with Jorge Rapalie in the rebellion and whether the aforenamed was the principal head of it? He answered he does not know what is contained in this question.

Asked to state what has been Jorge Rapalie's conduct in this District? He answered that he cannot say less than that so far it has been good.

Asked whether he has anything else to say that might be conducive to a greater clarification of this case, let him state it? He answered he has nothing more to say, and having read his declaration to him so that he might understand it and see whether

it was as he had given it, and whether he had anything to add to, or take from it, and whether he ratified it? He replied his declaration is as he has given it, it is his own, he has nothing to add to, nor take from it, and that he ratified it.

Asked his age? He answered he is thirty years old, and because it is so he signed with the Commander and the Escribano. (Signed) James Truly; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

At Fort Pamur, Natchez, on the fifteenth day of the month of February of this said year, the Commander caused to appear before him, Jaime Elliot, a resident of this District, who took oath through the Court Interpreter, upon the Holy Evangelists, according to the usage of his religion. He was then questioned as to whether he swore by God and promised to speak the truth upon the points on which he will be examined. To this he answered, yes, he swore.

Asked his name and where born? He replied he is called Jaime Elliot and was born in Pennsylvania, in New England.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District, and does he know why he has been imprisoned? He answered he is acquainted with the person named, because he is a resident of this District, and he knows he is a prisoner because he tried to bring about a revolution.

Asked to state how he knows this? He responded because Rapalie, himself, solicited him to this effect, and because he heard him talk with the greatest freedom, giving several other persons to understand his intentions, in the presence of the witness.

Asked to state with the greatest clearness and minutely as much as he knows of this affair, so as to arrive at a more complete knowledge of this cause? He answered that about six weeks ago the deponent was at Jorge Rapalie's plantation because the latter had sent to say that he had to talk to him so as to arrange matters of interest that were pending. For his reason he passed all of one afternoon and night there. A short time after his arrival, Jorge Rapalie lead the conversation, saying that it would be desirable if the navigation of the river was free so as to enable them to buy provisions more advantageously. To this the deponent answered by saying that provisions would be much cheaper if the navigation was free. Rapalie continued, saying that the government of this District would be changed very promptly, if it had not already been effectuated, then he would not have to go down five leagues from here to look for a boat (?) he had at the point since last year. To this the deponent responded, to sound him out, in what way did he think that the Government of this Post would be changed? He answered that were several

residents ready to make a declaration to the Commander of this Post that they were not willing to be subject to Spanish Laws and that they were opposed to him, although they would permit him to remain at the Fort with his troops, as any other citizen, without allowing any armed person to leave the Fort. To this the witness replied that if this should happen, the greater number of the people who presented themselves to make this declaration would be hanged and the rest will have their property confiscated. Rapalie retorted that this would by no means happen and that they feared nothing, because in case the Commander attempted to arrest them he had a list of forty-nine of the principal inhabitants who had signed and were opposed to him, and these were armed to attack the Fort, putting to the sword all who might be within.

Ricardo Ellys (Ellis) and (Samuel) Young were present during the above conversation, and the deponent having reflected upon the gravity of this affair, and noting the firmness with which Rapalie related it, resolved from this point to agree with all of his plans so that in this way and with what he could acquire privately in the District to ascertain the truth of the plot so as to be able to warn the Commander in time. A few days after this episode, Rapalie told him he had gone to Colles Creek to sound out the opinions and intentions of Cato West and Tomas Green because it was certain that if these two persons joined in the rebellion there were many others from the same place who would go with them.

He must also say that before Rapalie told him what he has just related, the witness being in the town of Natchez, on the gallery of Guillermo Smith's house, in company with Tomas Pollock and Sutton Bankes, the latter said it did not seem to him that Mrs. Mac Intoches' negro should have been punished without more proof than Juan Burler, an interested party, had given, then changing the conversation, continued, saying the appointed time, mentioned in the Definitive Treaties, is approaching for the decisions of those who will have to remain in the conquered Province, and that in consequence the Americans will come down and take possession of this Post, then the inhabitants will be ruined, losing also the lands that the United States will concede to other people, for the sole act of having been subjected to the Spanish Government, and for this reason it would be advisable and it was his opinion that the people must not undertake anything before the Americans take possession of this Post. To this the witness answered that the people ran a great risk to engage in what he proposed and that it would be more profitable to them to be quiet. The conversation ended with this. Sutton Banks left, and at this time the witness told Tomas Pollock that it seemed to him Sutton Bankes talked with too much freedom, but not being certain of his intentions, he could not then warn the Commander, and to this Pollock agreed.

He must also say that one day, dining at Sutton Bankes' house, having been invited there by the latter, where he also met Jorge Rapalie and his wife, Guillermo Smith, and Ricardo Ellis, and at the table the deponent made a study, wishing to find out the truth of the premeditated rebellion so that in this way he could give a truthful report to the Commander and not compromise himself. He began the conversation, repeating what he has quoted that Jorge Rapalie had said about the Definitive Treaties, saying he was also most anxious for the free navigation of the river, all with the intention of finding out whether conditions for the projected rebellion were possible, so as to inform the Commander of this Post of it, as he has declared, Rapalie then taking up his word, said that the navigation of the river would be free shortly, because there were a sufficient number of good young men in this District to capture the Fort, which would go to the Americans. Nothing further took place at the table, as they had finished dinner.

Rapalie then called him aside to say that as he. Elliot, had just arrived from America, he could in consequence better explain how the United States was governed. In answer the deponent related to him several things concerning the matter upon which he has been questioned, and Rapalie ended by telling him not to think of selling any of the commodities he possessed, nor should he take them to his plantation at Colles Creek because the attack was to be made there immediately, as Colonel Jacito Galliard was one of those included in the affair, thinking he would be named for Governor, but that he did not consider him competent to hold such an office. To this the deponent replied, so as to compel him to tell how much he knew, because this matter worried him, that if they came to take the Fort, the Spanish Commissioners who were with the Chacta tribes, as soon as they were warned, would come with a considerable number of Indians and would lay the District in ruins, causing them to lose everything they had. To this Rapalie answered that they feared no one, since they had an agreement with Alexandro and Jaime Frazier, the former living with the Chactas and the latter with the Chicachas, maintaining a close intercourse with them and that they had promised to come, one with two hundred Chicachas and the other with all the Chactas that would be necessary and to consider that all were held in his favor, except those of six villages, and that for this purpose he kept two Indians hidden on his plantation who would carry the message to them as soon as the attack would be made, and for this undertaking they had eight hundred pounds of powder concealed in a certain part of the District that had come to them from the Tribes.

Some days after Rapalie invited him to dine, in company with Benjamin Monsanto and Guillermo Pountney, at the table Monsanto said he thought of going to visit Colonel Galliard, which caused the conversation to be directed to Galliard's determined way of speaking, so at this time the witness mentioned he had heard it said that if Galliard did not take the Oath of Fealty, he would be compelled to leave the District. Rapalie answered that Colonel Galliard would not go for any reason whatsoever, and as he was not willing he would not have to go. Monsanto replied that if the Commander issued a writ, ordering him to leave, he could without the least doubt force him to go. Rapalie continued to say that by no means would he leave. To this the witness said that perhaps it may be supposed that there were quite a number of people who would prevent this. Rapalie then said there were many people who would oppose it. His wife continued by saying that in case they would try to force Colonel Galliard to leave the District, he would arm his negroes and would defend himself, opposing it. This is as much as took place at the time.

Lastly he must say that the aforenamed Cato West and Tomas Green told him that Rapalie had been to their houses to sound them out and to request them to take part in the revolution, but they did not think he was satisfied with their answer.

Questioned to say whether he knows, or has heard said what George Rapalie's conduct had been in the District? He answered that he does not know him particularly, but has heard it said by persons who frequented his society, that he is a very free and easy man, guilty of bad conduct.

Asked whether anything else occurs to him to say concerning the affair under consideration, let him state it for the greater clarity of this cause? He answered he has nothing more to say, and having read his declaration to him so that he might understand it and would see whether it was his own and as he had given it, whether he had anything to add to, or take from it, and whether he ratified it? He replied he has understood his declaration, it is his own, as he has given it, he has nothing to add to, nor take from it, and he ratified it in all.

Asked his age? He answered he is thirty-eight years old, and because it is thus he signed with the Commander and the Escribano. (Signed) James Elliot; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Ricardo Ellis, 7th day, month and year, the Commander caused to appear before him, Ricardo Ellis, resident of this District, who by means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion. He was asked whether he swore by God and promised the King to speak the truth upon the points on which he will be questioned? He answered yes, he swore.

Asked his name and where born? He replied his name is Ricardo Ellis, he was born in Birginia (Virginia) in the Province of New England.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District, and does he know the reason for his imprisonment? He answered, yes he knows him particularly well, because he is his brother-in-law. He does not know the reason for his imprisonment, but had heard it said that it is because he had attempted to start a revolution in the District.

Questioned whether he has at any time heard him make a proposition that indicated this? He has never heard him say he thought of starting a revolution, but he cannot deny that he has heard his brother-in-law say it might very well happen that they would have a revolution in the District.

Asked whether he was not present, about six weeks ago, at Jorge Rapalie's house, while the latter held a conversation with Jaime Elliot, if so let him tell minutely what he heard? He answered it is true that on the occasion mentioned he was at his brother-in-law's house, where he recollects having heard that the government of this District would be changed shortly, but he cannot say anything else because he did not pay attention to the rest of the conversation that took place, considering that he was in conversation with his sister all this time.

Questioned whether after this event he was not invited to dine, one day, at Sutton Bankes' house, in company with his sister and brother-in-law, together with Guillermo Smith and Jaime Elliot? He answered, yes, he was there.

Questioned let him repeat, with the greatest clearness, the conversation that was held at the table? He answered he does not recall it, and that if any matter of consequence was discussed, it would have been after the witness had risen from the table to go to his father's house, about a league away, because having dined very late he feared he would be caught at night on the road.

Asked whether he had heard Jorge Rapalie say he had requested the people to join a revolution? He answered he does not recall having heard such a thing.

Questioned whether he has anything else to say, conducive to a greater clarification of this cause, he must state it? He replied he has nothing more to say, and having read his declaration to him so that he could understand it, would see whether it was as he had given it and whether he has anything to add to, or take from it, and whether he ratified it? He answered that he has understood his declaration, that it is the same as he has given, he has nothing to add to, nor take from it, and that he ratified it in all.

Asked his age? He answered he is eighteen years old, and he signed with the Commander and the Escribano. (Signed) Richard Ellis; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Samuel Young, and being asked whether he swore by God and promised the King to speak the truth upon the points on which he will be questioned? He answered, yes, he swore.

Asked his name and where born? He replied he is called Samuel Young, and he was born in the Province of Pennsylvania, in New England.

Is he acquainted with Jorge Rapalie, a resident of this District, and does he know the reason for his imprisonment? He answered he is acquainted with him as a resident of this District, for his part he does not know why he is a prisoner, but he has heard it said that he is a prisoner because he attempted to start a revolution.

Asked whether he has heard any proposition from Rapalie showing that he intended to start a revolution? He answered he has never heard anything to that effect.

Questioned whether he was not present, one day, at Jorge Rapalie's house, during a conversation the latter had with Jaime Elliot, and what did they talk about? He does not recall having been there on the occasion mentioned, although it is true he was in the habit of going to the house so as to settle at so much a day for work on Rapalie's plantation, he went in at the moment dinner was served and turned to leave immediately, so as to continue his work, or rest, if he had time.

Asked whether he had ever heard it said that Jorge Rapalie was the principal abettor of the revolution, or whether there were others who assisted him to bring it to a head? He answered he has heard nothing.

Asked to say whether he knew, or has heard said, what had been Jorge Rapalie's conduct in the District? He answered that the only thing he has ever heard said was that Jorge Rapalie was very much in debt and that he did not pay his creditors.

Asked whether he has anything else to say that would be conducive to a greater clarity of this cause, he must state it? He answered he has nothing more to say, and having read his declaration to him so that he would understand it, would see whether it was his own, as he had given it, whether he had anything to add to, or take from it, and whether he ratified it in all? He answered that he has understood his declaration and that it is his own, as he has given it, he has nothing to add to, nor take from it, and he ratified it in all.

Asked his age? He answered thirty-two years old, and because it is thus he signed with the Commander and the Escribano. (Signed) Samuel Young; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Tomas Pollock. In the said Fort, on the same day, month and year, the Commander caused to appear before

him, Tomas (Thomas) Pollock, resident of this District who by means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion, and being asked whether he swore by God and promised the King to speak the truth upon the points on which he will be questioned? He answered, yes, he swore.

Asked his name and where born? He replied he is called Tomas Pollock and he was born in the Province of Lonranderry (Londonderry) in Ireland.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District, and whether he knew the reason for his imprisonment? He answered he knew him as a resident of the District, and that he had heard it said he is a prisoner because he has done irregular things.

Questioned that he must tell what persons have spoken to him of Rapalie, citing the irregular things he has done? He replied he does not recall the persons who have spoken to him about the reasons for Jorge Rapalie's imprisonment, or does he remember very much of what they related to him that he had done.

Questioned whether on one of the days that he was at Guillermo Smith's house, about a month ago, he, Rapalie, was on the gallery with Jaime Elliot and Sutton Bankes, if so he must relate most minutely the conversation they held? He answered it is true he had taken part in the conversation held at the place stated, with the persons mentioned, and although he did not pay much attention to what was said, he recalls very well to have heard him say to Sutton Bankes that this District should belong to the English, or the Americans, and that there were a sufficient number of people in Natchez who would benefit when this would have due effect. The above is what the witness heard, as he then withdrew and went into the house, returning a little later, when he left. On the gallery he met Jaime Elliot, only, who asked him what he thought of Sutton Bankes' conversation. To this he answered he did not think anything good of it, but that it looked like an airy scheme, of no weight. That is as much as took place.

Questioned whether he has anything else to say that may be conducive to a greater clarity of this cause, he must state it? He answered he has nothing more to say, and having read his declaration to him so that he would understand it, would see whether it was his own, as he had given it, whether he had anything to

add to, or to take from it, and whether he ratified it? He answered he has understood his declaration and that it is his own, as he has given it, he has nothing to add to, nor take from it, and that he ratified all of it.

Asked his age? He replied he is twenty-eight years of age, and because it is thus he signed with the Commander and the Escribano. (Signed) Thomas Pollock; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Sutton Bankes, In the said Fort, on the sixteenth day of the said month and year, the Commander caused to appear before him, Sutton Bankes, a resident of this District, who by means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion, and being questioned whether he swore by God and promised the King to speak the truth upon what he will be examined? He answered, yes, he swore.

Asked his name and where born? He replied he is called Sutton Bankes and that he was born in Licolnschire (Lincolnshire), England.

Asked whether he is acquainted with Jorge Rapalie, a resident of this District, and whether he knows the reason for his imprisonment? He answered that he is acquainted with him as a resident of this District and knows he has been imprisoned because of having spoken ill.

Questioned that he must state his reason for saying that Rapalie is a prisoner because of having spoken ill? He answered because he heard Rapalie say that the residents of Colles Creek must present themselves before the Commander to demand that he deliver the command of the Fort to them.

Questioned whether Rapalie had told him by what means he knew what is related above? He answered that he did not tell him by what means he knew it, but at the same time he did tell him that he must present himself with them.

Asked whether about five weeks before, he, the witness, was not invited to dine at Jorge Rapalie's house with the latter's wife, and whether Guillermo Smith, Ricardo Ellis and Jaime Elliot were not also there, if so he must repeat the conversation they had at the table? He answered he does not recall anything of consequence having been said other than what he has already related he heard Jorge Rapalie say, except to add that this said person told him he had sent two men to Cumberland Post to inform the people there of what he intended to do and that by that time the Fort will be theirs, if a resident of this District, Juan Bournet, will have kept his word given to them.

Questioned whether he heard Rapalie say that, for the purpose of taking the Fort, he was placed at the head of all and has a list in his possession signed by forty-nine residents, among them some of the principal ones of the District, such as Colonel Jacito Galliard, Cato West, Tomas Green, Parker Caradine, Juan Bournet and several others, and that for this affair they had eight hundred pounds of powder hidden in a certain place, and that he had also informed Jaime and Alexandro Fraiser of his undertaking, who were with the Nations, one with the Chicasas and the other with the Chactas, both had offered to come with a great number of people to help them? He answered he has never heard said what is quoted to him, except that he would be at the head of all when they presented themselves to demand the Fort. Asked whether in late times he had frequented the house and enjoyed the friendship of Jorge Rapalie. He answered, no.

Questioned whether one day, about four weeks before, had he not gone to Guillermo Smith's house and did he not go out on the gallery with Jaime Elliot and Tomas Pollock, if so, he must relate the conversation he held with them? He replied he had gone to the house cited, several times, where he met the persons mentioned, but never has had any particular conversation with them.

Asked why he fails to speak the truth, under the oath he has taken, when it is evident that he told the aforenamed persons that they must bring the Americans down to take possession of this Post, because it belongs to them, and that the inhabitants ran a great risk of losing all their property through having subjected themselves to the Spanish Government, and that before this took place it must be agreed that these same inhabitants would join a party to assume the protection of everybody, what reason had he for saying this, then in fact to deny that he was an accomplice? He answered by declaring he had not said any such thing.

Asked whether one day, about three weeks ago, he did not go to the house of the widow of Euince McIntosch and did he not say, in course of conversation with this lady and her daughter, that this Post will be American before two months and upon what did he base his opinion for saying this? He answered it is true that on the day specified, he was at Mrs. Euince McIntosch's house and that this said lady complained that the Commander had not rendered her the Justice she deserved in certain matters, that she said she would go down to New Orleans to obtain satisfaction and if she did not receive it she would leave the country. To this the witness responded that she could avoid a great deal of inconvenience, by not doing so, because it was feasible and might very well happen that they would have a change of government, and that the reason which had caused him to make this statement is due to having heard Rapalie say in a general way to

all the residents of the District that this Post should belong to the Americans since it is included within the thirty-first degree of latitude as set forth in the Definitive Treaties.

Questioned whether he had not frequented Jorge Rapalie's house lately and enjoyed his friendship, with what motive and for what reason did he go there with his wife, the night he was arrested? He answered that on that same day he left his plantation to look for some livestock that was missing. On the way he met Jorge Rapalie, in his diligence (stage-coach), who invited him and his wife to eat a turkey he had, and for this reason and so as not to slight his invitation, he accepted it, and as he had had a very trying afternoon, at Mr. and Mrs. Rapalie's request, he and his wife remained to spend the night.

Questioned he must say what Jorge Rapalie's conduct was in the District? He replied that the bad state of his accounts and the amount of his debts showed enough.

Asked whether he had anything else to say for the greater clarity of this cause, he must state it? He answered he has nothing more to say, and having read his declaration to him so that he might understand it, would see whether it was his own, as he had given it, whether he had anything to add to, or take from it, and whether he ratified it? He responded that he had understood his declaration, that it was his own, as he has given it, he has nothing to add to, nor take from it, and he ratified it in all.

Asked his age? He answered he is thirty-five years old, and because it is thus he signed with the Commander and the Escribano. (Signed) Sutton Bankes; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Parker Caradine, 11th witness.

In the said Fort, on the same day, month and year, the Commander caused to appear before

him Parker Caradine (Carradine), resident of this District, who by means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion, and being questioned whether he swore by God and promised the King to speak the truth upon the points on which he will be examined? He answered, yes, he swore.

Asked his name and where born? He answered his name is Parker Caradine, and he was born in the Province of Maryland, in New England.

Questioned whether he is acquainted with Jorge Rapalie, a resident of this District, and whether he knows the reason for his imprisonment? He replied he is acquainted with the one mentioned in this question and has heard it said that he is a prisoner because he attempted to start a revolution.

Asked who he has heard say this and what acts have they cited to him that prove he intended to incite a revolution? He answered that Captain Ricardo Harrison and several others had said so without citing anything else, except to tell him that Jorge Rapalie was made a prisoner because he wished to cause a revolution.

Asked whether Jorge Rapalie had not talked to him, requesting him to take part in it? He answered that about four weeks ago, Jorge Rapalie went to the Post of Colles Creek, where the witness has his plantation, at which he passed a night, and having asked him the reason for his coming, he answered his affairs compelled him as he would have to see Jaime Elliot, Tomas Green and Cato West. For this reason, on the following morning, he absented himself, saying he was going to speak to the persons already mentioned, whom he knew had slept on Jaime Truley's plantation that night. The day after, more in the morning, Rapalie returned to the Deponent's house, and told him he had gone to breakfast with Guillermo Forgeson, but that before he wished to communicate a matter of great importance, and going out of the house he asked him what it was he wished, to which Rapalie answered that he found the inhabitants of this District in a very bad situation.

Asking him why? He continued by telling the witness that it was more than probable and very feasible that the Americans would come to take possession of this Post, considering that the time stipulated in the Definitive Treaties was about to terminate, in which case the District will be united to and become a part of the Province of Georgia and that this would cause great prejudice to the inhabitants because it would compel them to present themselves in the Capital for the decisions of their lawsuits and to adjust most of their affairs. To obviate all these inconveniences, the inhabitants must form a party for the purpose of making this District an Independent Province, for which undertaking he had a sufficient number of people, and if they did not carry out this plan it would be to their advantage to remain under the Spanish Government, because it is not likely that the Americans would place a Court of Justice in this Post, and that to effectuate his project to make them independent he has consulted Colonel Jacito Galliard, Jaime Elliot and several others about the undertaking, who have approved all of his plans. To this the witness answered he had suffered too much in the first rebellion to mix himself up in this one, that he desired to live quietly and consequently would not by any means take part in the proposition, nor did he wish to hear any further talk about it. To which Rapalie said he hoped he owed it to him not to mention to anyone what he had told him. He must keep it as a great secret, and that within three or four days Jaime Elliot would speak to him at length about this affair. He ended the conversation with this statement, left, and did not return, so he did not see him again.

Asked whether he could prove that Jaime Elliot had talked to him and had requested him to join in this affair? He answered, no.

Questioned as to why he did not inform the Commander of this Post of what Rapalie intended to do? He answered he did not inform him because he hoped that Jaime Elliot would speak to him and in that way the warning could be given with absolute certainty and he would not be compromised.

Questioned as to why he had bought a negro from Jorge Rapalie, in exchange for pigs and other livestock, knowing that this person had had all of his property seized, thus failing to obey the Commander's orders, who had decreed to the contrary? He answered that he bought the negro at Christmas, consequently during vacation, when the holidays were over, he presented himself to the Commander to learn whether the sale that Jorge Rapalie had made to him of his livestock, in the terms set forth, would be valid. This said gentleman told him by no means, unless the sale had been for real money. He went back to see Jorge Rapalie, immediately, who was on his plantation, to tell him his purchase was not legal because the Commander opposed it, unless it should be made for real money, which he was in no way able to effectuate. To this Rapalie answered he would go to the Fort and talk to the Commander so that he would allow the sale to be made, and mounting their horses they went together as far as the Fort where Rapalie entered, after telling the witness to do down to the town of Natchez to wait and that he would bring him the order, and joining him a little later, he said, in the presence of Guillermo Wilson, Adam Bingaman and several others, that he had the order from the Commander to enable him to sell the negro, receiving the pigs in part payment and that they must be killed promptly because this accrues to the benefit of his creditors who must be paid with them, as the Commander has made known to him. The witness believed him because he could not imagine that the aforenamed person could be capable of making a false statement, in the Commander's name.

Asked to tell what Jorge Rapalie's conduct had been in this District? He answer he cannot say less than that since he has known him it has been very bad.

Asked whether he has anything to say conducive to a greater clarity of this cause, let him state it? He answered that the only thing he has to add is that when Jorge Rapalie spoke to him, requesting him to take part in the rebellion, seeing that he would not comply with his wishes, on taking leave he told him that it was necessary to carry into effect what he had said. This is as much as he has to say; and having read his declaration to him so that he might understand it, would see whether it was his own and as he had given it, whether he had anything to add to, or take from

it, and whether he ratified it? He answered that he understood his declaration, it is his own, as he has given it, that he has nothing to add to, nor take from it, and that he ratifies everything in it.

Asked his age? He answered he is forty years old, and because it is thus he signed with the Commander and the Escribano. (Signed) Parker Carradine; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Declaration of Resident Cato West, 12th day, month and year, the Commander caused Cato West to appear before him, who by means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion,

and being questioned whether he swore by God and promised the King to speak the truth upon the points on which he will be ex-

amined? He answered, yes, he swore.

Asked his name and where born? He answered he is called Cato West and that he was born in the Province of Virginia in New England.

Questioned whether he is acquainted with Jorge Rapalie, a resident of this District, and whether he knows the reason for his imprisonment? He replied that he knows him as a resident of the District and that he has every reason to think that why he is a prisoner is evident.

Questioned, he must state the reason? He answered it is because Jorge Rapalie had talked to him and revealed his plans which he rejected, not paying attention to them until Jaime Elliot questioned him whether it was true that Rapalie had spoken to him about a matter of consequence.

Questioned that he must state with greater clarity what Jorge Rapalie had communicated to him, what were his intentions, and to what did he aspire? He answered that about three weeks before, as the witness was leaving his plantation at the Post of Colles Creek, he met Jorge Rapalie and Jaime Truley on the road, he joined them and after passing the first compliments, Jaime Truley having remained somewhat behind, Rapalie began the conversation by saying that the inhabitants of this Post at the present stage were in a very bad situation because the time stipulated in the Definitive Treaties was drawing to an end, and if the Americans do not come, before this time expires, to take possession, they will be compelled to take the Oath of Allegiance again to the Spanish Government, which will be greatly prejudicial to them. As soon as this (District) will belong to America they will fare badly if they will have declared themselves Spanish subjects, and that to avoid this he has a sufficient number of people in the District to succeed in forming an independent government.

To which the witness answered that he did not know why the Americans would become angry because the inhabitants had

taken the Oath of Allegiance to the Spanish Government, as this was very common and customary in all governments when inhabitants of other Dominations came to settle in them, and that it was very easy to convince them that they have done no wrong, nor should they maintain any intercourse with them in prejudice to the Spanish Government, even when they would have wrongfully taken again the Oath of Fidelity to Spain, if it were exacted of them. To which Rapalie answered, when he saw that the witness did not agree with his plans, that he too, would take it, but conditionally. With this the conversation ended, the deponent rejecting all that Rapalie had said without thinking he could bear him the least malice, nor was he convinced that he intended to start a rebellion, until, as he has said, he talked to Jaime Elliot, then, some days after, he heard other residents say that Rapalie had talked to them to this effect.

He became suspicious, and fearing Rapalie's plans might be carried out he decided to warn the Commander. He consulted with Jaime Elliot, Guillermo Smith and Guillermo Pounteny, who were also well-informed persons. They agreed with him that on the following day they would present a petition to the Commander to lay the matter before him, which did not take place, because Jorge Rapalie was arrested that same night, owing to the notice given the said Commander who had been assured of the plans of the former. When he talked to him he did not offer any opposition, solely that he would unbosom himself further which would enable him to give warning with greater foundation (in fact).

Questioned he must say what has been Rapalie's conduct in the District? He answered that although he has not dealt with him particularly, from all he has heard, or has seen, his bad conduct has been proven.

Questioned whether he has anything else to say that may be conducive to a greater clarity of this cause, he must state it? He answered he has nothing more to say, and having read his declaration to him so that he would understand it, would see whether it is his own, as he has given it, whether he has anything to add to, or take from it, and whether he ratified it? He answered he has understood his declaration, it is his own, as he has given it, he has nothing to add to, nor take from it, and he ratified it in all.

Asked his age? He replied he is twenty-five years old, and because it is thus he signed with the Commander and the Escribano. (Signed) Cato West; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

In the aforementioned place on Declaration of Resident Tomas Green, the said day, month and year, the Commander caused to appear be-

fore him Tomas Green, who through the Interpreter took due oath

upon the Holy Evangelists, according to the usage of his religion, and being asked whether he swore by God and promised the King to speak the truth upon the points on which he will be questioned? He replied, yes, he swore.

Asked his name and where born? He answered his name is Tomas Green and that he is a native of the Province of Virginia, in New England.

Questioned whether he is acquainted with Jorge Rapalie, a resident of this District, and does he know the reason for his imprisonment? He answered he is acquainted with him and has heard it said that he is a prisoner because he has spoken ill.

Questioned he must tell what he has heard said that Rapalie had talked about? He answered that since he has been a prisoner, he has heard Jaime Elliot and several others say that Rapalie attempted to excite a rebellion in the District so as to take the Post, and with this knowledge he has proven he was one of those he wished to urge to join him. Relative to this matter, about three weeks before, Rapalie went to the deponent's house, and after they had exchanged the first greetings, Rapalie asked what he had named his daughter? He answered, Elena. He also asked him whether she had been baptized? He said no, and added that much time would have to elapse before she could be christened, as no Ministers will come to the District. To this Rapalie said that perhaps Ministers will come before he thought possible, since it is likely that there will be a change of government shortly. To this the witness said that there would always be changes by terms and agreement of the parties, which would not be surprising, but if it were to be by any other means, it would come with the pleasure of hanging those who attempted it. To this Rapalie remained silent. This ended the conversation, which he did not think could have been the particular reason for it on Rapalie's part. Then at the moment of his arrest, as he has said, he knew he proposed to start a revolution, although he had suspected what he intended when he talked to him and should have informed the Commander immediately.

Asked whether he has anything else to say for the greater clarity of the cause, let him state? He replied he has nothing more to say.

Asked what Jorge Rapalie's conduct had been in this District? He answered that all he knows is that he was very much in debt and did not have the wherewith to pay.

And having read his declaration to him so that he might understand it, would see whether it was his own, as he had given it, and whether he had anything to add to, or take from it, and whether he ratified it? He answered he understood his declaration, it is his own, as he had given it, he has nothing to add to, nor take from it, and he ratifies everything in it.

Asked his age? He replied he is twenty-six years old, and because it is thus he signed with the Commander and the Escribano. (Signed) Thomas M. Green; Estevan Minor; Phelipe Trevniño; before Joseph Capetillo.

Considering the crime with which the resident of this District, Jorge Rapalie, has been charged, has been sufficiently proven with enough testimony from the required number of witnesses, the Commander stopped taking any more declarations so as not to make this process too lengthy, which he ordered set down as a matter of record. (Signed) Joseph Capetillo.

Confession of the Defendant, Jorge Rap teenth day of the month of February, of the present year, one thousand seven hundred and eighty-five, the Commander went to take the confession of Jorge Rapalie, the defendant in this cause, who is a prisoner in the prison of this Fort, and having been conducted into his presence by the life guard, through the Interpreter, he took due oath upon the Holy Evangelists, according to the usage of his religion, and being questioned as to whether he swore by God and promised the King to speak the truth? He answered, yes, he swore.

Asked his name? He replied he is called Jorge Rapalie.

Asked what religion does he profess? He answered he is a Protestant.

Asked his age? He answered he is twenty-five years old.

Questioned where was he born? He replied in New York, in New England.

Asked how long had he been in the District? He answered he came to settle in it in the year eighty-one.

Asked whether in all this time he has been granted due justice by the various Commanders who have governed this Post? He answered that in time of Juan de la Bilbef (de La Villebeuvre) he was granted the justice he merited, and that when Graduated Lieutenant Colonel Carlos de Grand Pré, Lieutenant of the Army, Pedro Piernas, and Graduated Captain Francisco Colleyll governed, there was no matter of consequence to disturb the attention of these gentlemen, and that living with them in perfect harmony, he had always merited their consideration. On the arrival of the present Commander, he likewise merited civility, for this reason he was convinced he would live with him on just as good terms as he had with predecessors, which lasted until the moment that Tomas Green was arrested, when with deep feeling for the position of the latter and his wife, he interested himself in their behalf, considering that they had spoken to him, and that from this time the Commander thought he bore him ill will perhaps because he had not understood well the expressions he had used on this occasion, in favor of Tomas Green.

Asked whether he knows the reason for his own imprisonment? He answered he has several notions as to what might be the reason, but he does not know exactly.

Questioned he must explain his reasons? He answered his reasons for thinking he has been made a prisoner, are because of having said various things to different persons, and that he is convinced some of them must have informed the Commander.

Questioned he must tell the things he mentions he has said, naming the persons to whom he has spoken? He answered he suspects Jaime Elliot, now a resident of this District (since the time the latter came in company with Captain Jaime Willing, he thinks him capable of anything and for the same reason he confirms it, because on the arrival of Jaime Elliot at this Post, he said he came to settle here as he was sure that it would belong to the Americans. He also asked the deponent the number of inhabitants in the District, its condition and management, and all this joined to his suspicions, made him think Jaime Elliot came to the District with other intentions than those of being a resident. For this reason, to sound him out so as to know his way of thinking and whether he came with any particular commission that would in any manner authorize him, the deponent told him that the residents of this Post were people capable of anything provided there would be an intelligent person who would know how to direct them. He also told him innumerable other things that he does not well recall. He remembers to have said to Jaime Elliot that he had in his possession a list of two hundred persons who had signed to declare that this District was American. To this Elliot answered he would also sign and that for one thing, for this undertaking they needed at least two hundred pounds of powder. The deponent told him he had six hundred for it. Elliot reminded him that if they did not have this, they could ask the Chacta Indians to come to act against the enemy. To this the deponent said no, because for a long time they had maintained intercourse with them for this purpose. Elliot also asked him who were the principal persons in the affair and whether he had spoken to any of the residents to this effect. To which he answered that until then there were no principal persons but that he had talked to Suysays, King, Parker Caradaine (Carradine) Tomas Green and Cato West. The deponent questioned Jaime Elliot whether he had any interesting news to give him from America as he had just arrived from there. He answered, no, and that on another day he would talk more clearly about this. They then separated.

Questioned was there any foundation for all he has related that he said to Jaime Elliot, and what were his motives? He answered it was founded on nothing, that all of what he had said to him, was on supposition, and his motives were simply to sound him out, so as to know his way of thinking. Questioned what was he going to gain by knowing Jaime Elliot's way of thinking? He answered it was for the good of the public, only, that he made this his duty, and for his own satisfaction so as to enable himself to be useful to the public, without intending to do the least thing against the government.

Questioned what was it he intended to do for the good of the public? He answered he would have been able to know the result of Jaime Elliot's intentions and that if these should be prejudicial to the public, he would give official warning to the Commander.

Questioned how did he dare to suppose anything of such great consequence against Jaime Elliot and did he not know that no one can undertake an investigation of a minor public affair, even though of the slightest importance, unless he is authorized by the Government to do so? He answered that all men are liable to error and that he thought himself authorized to make the investigation.

Asked what persons were present during the conversation he quotes he held with Jaime Elliot? He answered he does not remember whether it took place before anyone, or not.

Questioned did he sound out the intentions of any other persons? He answered yes, he talked to several other persons, among them Parker Caradine, speaking to them indifferently of the situation of this country, regarding whether it ought to be American, or not, because according to what he had seen and heard, this District is comprised within the thirty-first degree and consequently belongs to America, but that he did not think the Spanish Government would agree to ceding it. He counselled them to remain quiet and that the only thing they could do was to present a petition to the Commander so that he would give them his advice upon this particular and with his opinion, if the District must remain Spanish, those who wished to leave could present a petition to the Governor asking permission to withdraw, as the deponent intended to do.

Questioned what was his motive for presenting such propositions to others when they had not asked for them? He answered he talked to them indifferently in his conversations because it was a matter that interested the public. They asked him for his advice so he gave them his opinion, but he did not think that this would be prejudicial to anyone.

Asked how can he say he did not think it would be prejudicial to offer such propositions, since he cannot fail to know that these would disturb the minds of the inhabitants, distracting them from their work and labors and would also give them ideas for a rebellion, which is what is suspected that he intended to do? He answered no one can say he has disturbed the minds of the inhabitants, nor distracted them from their work, much less that he had thought of a revolution.

Asked why does he deny the truth of his plans when it is evident and has been proven that he spoken in public with the greatest freedom and in particular has requested several persons to carry his wishes into effect and attempted to incite a revolution so as to take possession of this Fort, making them see that it would not cause them the least difficulty, because all was well coordinated and would be carried out promptly, inciting them by telling them that he was at the head of all and that Colonel Jacito Galliard was another one of them? He replied he does not deny having said this, nor that he confessed it, but if he said so, it is clear that he must have been out of his mind, because he declares it never was his intention to undertake such an affair, nor to have Colonel Galliard quoted in the matter.

Asked whether about six weeks before, Sutton Bankes, a resident of this District, had invited him and his wife to dine, and what did he talk about at the table? He answered it is true that he went to dine at the house of the resident mentioned, but he does not recall whether it was more, or less, than the time specified and that he does not remember what they talked about at the table, because on that morning and the afternoon before he drank much, doing the same at the table and if he said anything of consequence, it did not have the least meaning, but if he talked to Jaime Elliot, it was without doubt to sound him out as to what his plans were.

Questioned whether after the meal mentioned by the deponent, he invited Benjamin Monsanto, Guillermo Pounteny and Jaime Elliot to his house and that he must tell what the matter of consequence was that they discussed at the table? He answered it is true that some days later, he invited the persons mentioned and that at the table, either before or after, he remembers to have heard Jaime Elliot speak, when he, the witness, complained that the Commander of this Post would not permit him to sell drinks on his plantation, but that he would obtain permission, because he had written to Martin Navarro, Intendant of this Province, and to Andres Armesto, Secretary of the Government, to get a permit and that with it he could sell drinks without having to give thanks to the Commander and that Elliot also gave him to understand that this District will be American.

Asked whether on this occasion of which he speaks, anything was said at the table about Colonel Jacito Galliard to the effect that he must leave the District, without delay, if he did not take the Oath of Allegiance to the Spanish Government, and who were the persons that encouraged the said Gallaird not to take the Oath of Allegiance, nor leave the District, together with the rest that took place in this affair? He answered he does not remember that such a conversation was held at the table on the day that has been mentioned.

Questioned how can he say that the conservation quoted did not take place, when it is evident that it did? He answered that it may be that they talked about this matter, but he does not remember to have heard any such a thing.

Questioned he must tell what were the reasons and motives for going to the Post of Colles Creek a few days before his arrest? He answered he went to the post of Colles Creek to look for some lumber Ricardo Dubal had promised him. He could not get it because the bayou was very high and he could not find a pirogue to cross it. He had also gone to get some tobacco seed to plant which Parker Caradine, Cato West, Tomas Green and David Olt (Holt) gave him to settle accounts he had pending with Caradine, for a negro he had sold him, and lastly to see a plantation he had bought.

Asked whether he has anything else to say for his own exhonoration, if so, let him declare it? He answered he has only to add that he prays for humane treatment for his person, that he declares himself innocent of the charge made against him and that in New Orleans he will tell more than he has stated here and will answer, satisfactorily, as many questions as will be put to him.

And having read his confession to him so that he could understand it, would see whether it was his own, as he had given it, whether he had anything to add to, or take from it, and whether he ratified it? He answered, he has heard his confession, it is his own, as he has given it, he has nothing to add to, nor take from it, and that he ratified all of it, and because it is thus he signed with the Commander, the Interpreter and the Escribano. (Signed) George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

In the said Fort, on the same day, month and year, after the foregoing confession was finished, the Commander summoned all the witnesses to this said Fort, citing them to appear on the following day, at nine o'clock in the morning to make their ratifications and has ordered this decree set down as a matter of record. (Signed) Joseph Capetillo.

Ratification by Captain of Militia, Ricardo Arison.

In the aforecited Fort, on the abovesaid day, month and year, Captain of Militia of this Fort, Ricardo Arison (Harrison), presented himself before the Commander, and after taking the customary oath, by means of the Interpreter, his declaration was read to him and he was asked whether he had anything to add to, or take from it and whether he ratified it? He answered he has nothing to add to, nor take from it, and that he ratified what he has said, in virtue of which he signed with the Commander and the Escribano. (Signed) Rd. Harrison; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by the Merchant, Guillermo Emith.

The foregoing ratification having been made, the Commander caused Guillermo Smith to enter,

who by means of the Interpreter took oath upon the Holy Evangelists, according to the usage of his religion, and being questioned whether he swore by God and promised the King to speak the truth upon the points on which he will be questioned? To this he answered, yes, he swore, and having read and translated his declaration to him, he was asked whether he has anything to add to, or take from it, and whether he ratified it? He answered he has nothing to add to, nor take from it, and that he ratified it in all, under the oath he has taken, and because it is true he signed with the Commander and the Escribano. (Signed) William Smith; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by a Resident Coupée, Benjamin Monsanto.

The foregoing witness having retired, the Commander caused Benjamin Monsanto to enter. He

took due oath by means of the Interpreter, and having read his declaration to him, questioning him whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, and he signed with the Commander and the Escribano. (Signed) Benjamin Monsanto; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident William Pounwitness retired, the Commander caused William Pounteny (Pount-

ney) to enter, who by means of the Interpreter took the customary oath, and having read his declaration to him, he was asked whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and he ratified it in all. In virtue of which he signed with the Commander and the Escribano. (Signed) Will Pountney; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Jaime Truley.

(Truly) to enter, and when he had taken oath in the customary way, by means of the Interpreter, his declaration was read to him and he was questioned as to whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, and thus he signed with the Commander and the Escribano. (Signed) James Truly; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Jaime Elliot. Upon the retirement of the foregoing witness, the Commander caused Jaime Elliot to enter, and taking due oath, by means of the Interpreter, his declaration was read to him and he was asked

whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, under the oath he has taken, and in virtue of which he signed with the Commander and the Escribano. (Signed) James Elliot; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Ricardo Ellis. The foregoing ratification having been made by the abovesaid, the Commander caused Ricardo Ellis to enter, who by means of the Interpreter took the customary oath, and having read his declaration to him, he was asked whether it was the same as he has given and whether he ratified it? He answered because it is the same as he has given, he ratified it in all, and in virtue of which he signed with the Commander and the Escribano. (Signed) Richard Ellis; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Samuel Young. After the foregoing witness had retired, the Fiscal caused Samuel Yung (Young) to enter, and taking the customary oath, by means of the Interpreter, who translated his declaration to him, he was asked whether he had anything to add to, or to take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all and he signed with the Commander and the Escribano. (Signed) Samuel Young; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Tomas Pollock. Immediately after the abovesaid witness had retired, the Fiscal caused Tomas Pollock to enter, who by means of the Interpreter, took oath in due form, and having read his declaration to him, he was asked whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, under the oath he has taken, and because it is thus he signed with the Commander and the Escribano. (Signed) Thomas Pollock; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Sutton Bankes. The foregoing ratification having been made, the Commander caused Sutton Bankes to enter, who by means of the Interpreter, took due oath, and being asked whether he had anything to add to, or take from his declaration, and whether he ratified it? He answered that he had nothing to add to, nor take from it, and that he ratified it in all, and in virtue of which he signed with the Commander and the Escribano. (Signed) Sutton Bankes; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Parker Cardaine. Just as soon as the foregoing witness retired, the Commander caused Parker Cardaine (Carradine) to enter, who by means of the Interpreter, took oath in the customary way, and having read

his declaration to him, he was asked whether he ratified it and had anything to add to, or take from it? He answered that it is his own, as he has given it, and that he ratified it in all, and because it is thus he signed with the Commander and the Escribano. (Signed) Parker Carradine; Estevan Minor; Phelipe Treviño; before Joseph Capetill.

Ratification by Resident Cato West. The foregoing witness having retired, the Commander caused Catto (Cato) West to enter and to take due oath, and by means of the Interpreter he was made to read his declaration, and was questioned whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, under charge of the oath he has taken, and in virtue of which he signed with the Commander and the Escribano. (Signed) Cato West; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Ratification by Resident Tomas Green. After the foregoing witness had retired, the Commander caused Tomas Green to enter, who by means of the Interpreter, took due oath, and having read his declaration to him, he was asked whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and he ratified it in all, and because it is true he signed with the Commander and the Escribano. (Signed) Thomas Green; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

The foregoing ratifications hav-Ratification by the accused. ing been made, the Commander took that of the accused, Jorge Rapalie, a prisoner in this Fort, and having caused him to be conducted into his presence, with due custody, through the Interpreter, he took the customary oath, and having read his confession to him so that he might see whether he had anything to add to, or take from it, and whether he ratified it? He answered he had nothing to add to, nor take from it, and that he ratified it in all, under the oath he has taken, and he signed with the Commander, the Interpreter and the Escribano, but at the time of signing, it occurred to him to ask that he be permitted to take some certifications of his conduct and character from all the residents of the District, made before the Commander of this Post, and if not, that he be conceded permission enabling him to appoint two persons to take them in his name for his justification. He then signed with the officials above mentioned. (Signed) George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

The foregoing ratification having been concluded, and all the persons who have testified in this cause being here present, the Commander proceeded with the confrontation of the witnesses with the accused, Jorge Rapalie, which he ordered set down as a matter of record. (Signed) Joseph Capetillo.

Confrontation of Captain of Militia, Ricardo Arison, with the accused.

In the aforenamed Fort, on the said day, month and year, Jorge Rapalie, being in the presence of

the Commander, by means of the Interpreter took due oath on the Holy Evangelists, according to the usage of his religion, and being questioned whether he swore by God and promised the King to speak the truth upon the points that he will be questioned? He answered, yes, he swore. Captain of Militia of this District, Ricardo Arison (Harrison), successively presented himself and having offered, under his word of honor and in due form, to speak the truth upon all that he would be questioned, he was confronted with the accused, of whom the Fiscal asked whether he was acquainted with the person that was in front of him and whether he knew him to bear him any hatred or ill will? He answered he was acquainted with him and did not know that he bore him hatred or ill will.

And having read the declaration of this Official so that he might see whether there was anything in it to contradict? He answered regarding what this Official said about his conduct having been bad and prejudicial in the District, it is his wish that he prove it, because no one can truthfully say this. And the Official abiding by what he has declared, answered the objection made by the accused, saying that although he does not cite persons, it is by public acclaim in this Post that the conduct of the accused was bad and he cannot plead justification for his demand.

With this the confrontation was concluded, and the defendant signing with the said Official, the Commander and the Escribano. (Signed) George Rapalie; Richard Harrison; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of the Merchant, Guillermo Smith, with the accused.

The foregoing witness having retired, the Commander caused Guillermo Smith to enter, to whom

oath was administered by the Interpreter; he was then confronted with the accused and the latter was asked whether he was acquainted with the one who was before him and if he knows whether he bore him hatred or ill will? To this he answered that he is acquainted with him and did not know whether he bore him any hatred or ill will, and having read him the declaration of this witness so that he might see whether there was anything to contradict or challenge in it? He answered that he abides by all he has said in his confession and that what the witness cites from the conversation he said he had heard, let him be questioned whether he did not know that on that occasion he was intoxicated and he should not have paid any attention, as he was angry, and in talking what he said was without evil intention. To this the witness answered, yes, he had seen him drink, but he could not say whether he was drunk and for what he cites of his intentions, he can not judge of these.

With this the confrontation was concluded, the witness affirming what he has declared under oath, and both signed with the Commander, the Interpreter and the Escribano. (Signed) George Rapalie; William Smith; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of the Resident of Pointe Coupée, Benjamin Monsanto, with the witness had retired, the Comaccused. Just as soon as the foregoing mander caused Benjamin Monsanto to enter, and taking the customary oath by means of the Interpreter, he was confronted with the accused, who was questioned whether he was acquainted with the one before him and if he knew whether he bore him hatred or ill will? To this he answered that he is acquainted with him and that he has not the least reason to think that he bears him hatred or ill will, and having read him the witness' declaration so that he might see whether he had anything to contradict or challenge in it? He asked to have the witness questioned whether from what he said he had heard him state at his table, he did not know that his intentions were not evil. To this the witness answered that at that moment he rejected whatever he heard, as he was convinced that all Rapalie said was because he wished to pass for a man of much importance, which he really is. The accused also asked to have the witness questioned whether he did not hear Elliot say that this District ought to belong to the Americans. To this the witness answered it is true he heard Jaime Elliot say what is quoted, but it was in terms of his having said that this was his opinion according to the Definitive Treaties. The witness was reminded by the accused as to whether he did not hear him complain to Elliot against the Commander of this Post for not permitting him to sell drinks on his plantation, and that he would obtain the permission because he had written to Martin Navarro and to Andres Arnesto (Armesto) to get it. The witness answered this is true.

Whereupon the Confrontation was ended, the witness affirming what he had declared under the oath taken, and the two signing with the Commander and the Escribano. (Signed) Benjamin Monsanto; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetill.

Confrontation of Resident William Pounteny with the accused.

After the foregoing witness had retired, the Commander caused Guillermo Pounteny (Pountney)

to enter, who took the customary oath by means of the Interpreter, and was confronted with the accused. The latter was questioned as to whether he was acquainted with the one before him and whether he knew him to bear him hatred or ill will? To this he answered that he was acquainted with him and did not think he bore him hatred or ill will, and having read him the declaration of this witness, so that he could see whether there was anything to contradict or challenge in it? He answered that he would

like to have the witness questioned as to whether he had heard him say, or was present on any occasion when he gave bad advice to the public? To this the witness answered that he did not hear anything else of conesquence other than what he has related. The accused also requested that the witness must be questioned as to whether he did not know that the papers he cites he was reading to the public, was a newspaper? The witness answered it seemed to him it might have been a newspaper because in passing he noticed that it was printed.

With this the Confrontation ended, the witness affirming what he had deposed, and the two signing with the Commander and the Escribano. (Signed) Will Pountney; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of Resident Jaime Truley The foregoing witness having retired, the Commander caused Jaime Truley to enter, who by

means of the Interpreter took due oath upon the Holy Evangelists, according to the usage of his religion, and being confronted with the accused, the latter was questioned as to whether he was acquainted with the one before him and whether he knew him to bear him hatred or ill will? He answered that he was acquainted with him and did not know him to bear him hatred or ill will, and having read to him the declaration of this witness so that he would see whether there was anything to contradict or challenge in it? He answered that he desired to have the witness questioned as to what motives he had for saying that his conduct was not good? He answered that what he had said was bad conduct on Jorge Rapalie's part, he had been speaking of the bad way with which he managed the aforementioned subject with the Commander of this Post. The accused also said that he wished the witness questioned as to whether he had openly and declaredly said he would take up arms against the government? The witness answered he had never said anything in the terms that he is questioned.

With this confrontation ended, the witness adhering to what he had declared, under the oath taken, and the two signing with the Commander and the Escribano. (Signed) James Truly; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of with the accused.

Resident Jaime Elliot ness had retired, the Commander caused Jaime Elliot to enter, and

having taken the regular oath by means of the Interpreter, he was confronted with the accused, who was questioned as to whether he was acquainted with the one before him and whether he knew him to bear him hatred or ill will? He answered he was acquainted with him and did not think he bore him ill will, and having read the declaration of this witness to him so that

he could see whether he had anything to contradict or challenge in it? He answered he wished to have the witness questioned as to whether or not he settled in this Province in the year seventy-seven? The witness answered he had settled in the Post of Manchac where he was land surveyer for the English. That he also be asked in what place and at what time he had joined Captain Jaime Wuillin? To this the witness answered he had never joined nor been with Captain Willin and that the question put to him by Jorge Rapalie was irrelevant.

The latter continuing, said that the witness should be questioned whether he had not been under the orders of Oliver Pollock, in New Orleans, with the greater number of Americans. To which the witness answered this is true and that he, himself, had even recruited fifty, in the Post of Manchac, who went down with him.

The accused asked whether he knew Man (uel) Walker? The witness answered he knew two persons by the same surname, whose Christian names, he does not know. The accused asked to have the witness questioned whether, at any time, he had in his possession, any effects belonging to the aforementioned persons? When this question was put to him, he denied having anything. The witness further stated that he did not have any effects belonging to them, nor any other persons, which he had not delivered when they asked him for them.

The accused requested that the witness should be questioned who must answer whether he has seen or heard said that he had spoken to any person and told them to take up arms against the Spanish Government? The witness answered, no, he has not said anything about this matter, other than what he has already declared. With this the accused ceased to question, stating that he had nothing more to say.

The Commander reprimanded him, asking how did he dare to interrupt the formalities of the process with frivolous questions, of no importance to the subject that is being treated as the result proves, after having said, when he began, he had questions to ask the witness on matters of great consequence? He answered that as he has said, they are of great consequence, as he will prove in New Orleans.

With this the Confrontation was ended, the witness affirming what he has declared, under the oath he has taken. Both signed, with the Commander and the Escribano. (Signed) James Elliot; George Rapalie; Estevan Minor; Philipe Treviño; before Joseph Capetillo.

Confrontation of Resident Ricardo Ellis witness retired, the Commander caused Ricardo Ellis to enter and he, having taken due oath, by means of the Interpreter, and the accused being questioned as to whether he was acquainted with

the one before him and whether he knew him to bear him hatred or ill will? He answered that he was particularly well acquainted with him because he is his brother-in-law and he is sure he does not hate him or bear him ill will. And after reading the declaration of this witness so that he might see whether he had anything to contradict in it? He answered no, he had nothing to contradict.

With this the Confrontation ended. Both signed, with the Commander and the Escribano. (Signed) Richard Ellis; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of Resident Samuel Young with the accused.

After the aforenamed witness retired, the Commander caused Samuel Young to enter, who by

means of the Interpreter, took the customary oath and was confronted with the accused, and the latter was asked whether he was acquainted with the one before him and did he know him to bear him hatred or ill will? He answered he was acquainted with him and did not think he bore him hatred or ill will. And reading the witness' declaration to him so that he could see whether there was anything to contradict or challenge in it? He answered he had nothing to contradict and that he desired the witness to be questioned whether, in all the time he was working on his plantation, had he not seen him there constantly without ever leaving, except to attend to very necessary matters and also that no residents nor Indians had ever assembled on his plantation? To this the witness answered that he can only say that he has seen Rapalie kill pigs and perform other labors about the house.

With this the Confrontation ended, and the two signed with the Commander and the Escribano. (Signed) Samuel Young; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of Resident Tomas Pollock tired, the Commander caused Tomas (Thomas) Pollock to enter, who by means of the Interpreter took due oath, and the accused was then questioned as to whether he has acquainted with the person before him and whether he know him to bear him batted

person before him and whether he knew him to bear him hatred or ill will? He answered he knows him and cannot convince himself that he bears him hatred or ill will, and reading the declaration of this witness to him so that he could see whether he had anything to challenge in it? He answered there was nothing in it to contradict.

With this the Confrontation was concluded. Both signed, with the Commander and the Escribano. (Signed) Thomas Pollock; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of Resident Sutton Bankes The foregoing witness having retired, the Commander caused Sutton Bankes to enter and he, having

taken oath in due form, by means of the Interpreter, was confronted with the accused, who was asked whether he knew the former to bear him hatred or ill will? He answered he knew him and is sure that he does not bear him hatred or ill will, and having read him the declaration of this witness, so that he could see whether there was anything to contradict or challenge in it? He answered that he desired to have the witness questioned whether he had requested him to take up arms against the Government, or whether he knew that he had asked other persons to do so? The witness answered he did not know anything to this effect. The accused also said he would like to have the witness questioned whether on the arrival of Jaime Elliot at this Post, had he not communicated to him what he suspected about his conduct and that he was convinced that he had some designs? To this the witness answered that what he says is true.

With this the Confrontation ended. The two signed, with the Commander and the Escribano. (Signed) Sutton Bankes; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Confrontation of Resident Parker Cardine with the accused.

Immediately after the foregoing witness retired, the Commander caused Parker Cardine (Carra-

dine) to enter, who by means of the Interpreter took the customary oath, and upon confronting him with the accused the latter was questioned whether he was acquainted with the one before him and did he know him to bear him hatred or ill will? He answered he knew him and did not think he bore him hatred or ill will, and having read this witness' declaration to him so that he could see whether there was anything to contradict or challenge in it? He answered that he prayed to have the witness questioned whether at the time he spoke to him of the situation in the District, did he not also tell him that for the good of the Public it would be advisable for the inhabitants to present a petition to the Commander so as to know the decision concerning the boundaries of this District, because the Definitive Treaties say one thing and the Spanish Government exacts another, each one according to its opinion, and that he agreed to present the petition, for at least if it did not do any good it would not do them any harm. To this the witness answered that he remembers what Rapalie said, and besides what he has related he also told him that the inhabitants must present a petition to the Commander to make him see that this Post ought to be American and that it was necessary for it to belong to America, until there would be another decision.

The accused also asked to have the witness questioned as to whether he had forced him to take up arms, or knew that he had wished to compel others to take them up? The witness answered he had neither forced him, nor did he know that he had forced others to do so.

With this the Confrontation was concluded, both of the abovesaid signing, with the Commander and the Escribano. (Signed) Parker Carradine; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Just as soon as the foregoing Confrontation of Resident Cato West with witness retired, the Commander caused Cato West to enter, who took oath by means of the Interpreter, and being confronted with the accused, the latter was asked whether he was acquainted with the one before him and whether he knew him to bear him hatred or ill will? He answered he was acquainted with him and did not know him to bear him hatred or ill will and upon reading this witness' declaration to him so that he could see whether there was anything to contradict or challenge in it? He answered that he wished to have the witness questioned whether he had in person and declaredly told him to take up arms against the Spanish Government, or whether he knew that in the same terms he had attempted to make others take them up? To this the witness answered that in these terms he does not know of others, nor of himself either, and that he has nothing else to say

With this the Confrontation ended, both signing, with the Commander and the Escribano. (Signed) Cato West; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

other than what he has set forth in his declaration.

Confrontation of Resident Tomas Green retired, the Commander caused Tomas (Thomas) Green to enter and he, having taken the customary oath, by means of the Interpreter, was confronted with the accused, who was asked whether he was acquainted with the one before him and whether he knew him to bear him hatred or ill will? He answered he is acquainted with him and is convinced that he does not hate him nor bear him ill will, and having read the declaration of this witness to him so that he could see whether he had anything to contradict or challenge in it? He answered that he desired to have the witness questioned whether he had declaredly told him to take up arms against the Government? To this the witness answered that declaredly he had not told him to do so.

With this the Confrontation was ended, and both signed, with the Commander and the Escribano. (Signed) Thomas Green; George Rapalie; Estevan Minor; Phelipe Treviño; before Joseph Capetillo.

Phelipe Treviño sends the case to Governor Miro.

At Fort Pamur, Natchez, the nineteenth day of February, of the year one thousand seven hundred

and eighty-five, I, Phelipe Treviño, Graduated Lieutenant Colonel and Military and Civil Commander of this Fort and District, relinquish this cause in the state in which it is, omitting to put the Fiscal Conclusion, considering that I have not the faculties for this, remitting this Process to Señor Don Estevan Miro, Colonel Of the Fixed Regiment of this Province and Governor, ad interim, of it, so that on seeing what has been actuated, His Lordship may determine as may be his pleasure. (Signed) Phelipe Treviño.

The Proceeding is transferred to New Orleans, on the thirtieth of March of one thousand seven hundred and eighty-five, I, Francisco Bouligny, Graduated Lieutenant Colonel and Sergeant Major of the Regiment of Louisiana, pursuant to the foregoing order of Señor Don Esteban Miro, Colonel of the said Regiment and Governor, ad interim, of this Province,* name for Escribano (to perform the judicial acts that may be determined by me in it) Second Corporal Juan Carreras, who is here present, accepts and swears to perform his duties faithfully and legally, and he signed. (Signed) Francisco Bouligny; Juan Carreras.

Proceedings to name Interpreters.

On the said day, month and year, it being necessary to name Interpreters to take a new confession from the accused, who does not know the Spanish Language, and to fully acquaint him of the crime that results against him in all that has taken place up to here, I name Juan Baptiste (Jose) Dufores(t), Interpreter for His Majesty in this Place, and Luis Perras, so that together they can translate and interpret all that may be necessary, who being present accept this charge and promise to exercise it faithfully and legally. They both signed, with the Fiscal and the Escribano. (Signed) Francisco Bouligny; Juan Josef Duforest; Luis Perras; Juan Carreras, Escribano (Scribe).

On the said day, month and year, Francisco Bouligny having gone to the Public Prison of this city, accompanied by the two Interpreters and the Escribano, caused the accused in this proceeding, Jorge Rapalie, to appear before him, and advising him to name a person in the Military Profession who can be his defender, he appointed Captain, Graduated, and Lieutenant of this Regiment, Zenon Trudeau.

Successively having taken oath, he promised and swore in front of the Evangelists, according to his custom, to speak the truth upon whatever he would be questioned:

^{*} See Miro's Official Letter which follows Bouligny's examination.

Question. After having caused the Interpreters to read his confession to him, he was asked whether he had anything to add to it?

Answer. When Felipe Treviño took his confession in Natchez, he prayed before all else to be given the time to answer his questions in writing and in English. The Commander was not willing to consent to this. For the rest of what his said confession contains, it is true, as is stated, noting only that to the question put to him in Natchez that he must explain his impressions over the cause of his imprisonment. He answered that he attributed the cause of his imprisonment to the ill will of some and to the selfish designs of others. He does not deny having said what appears in his confession, relative to the said question and that to avoid a different sense that might be given to his statements, is why, from the beginning, he asked to have pen and paper given to him so as to explain himself with more clarity and precision.

He must state whether he has anything in his own defense to add to the confession that has just been read to him, because it is not customary, nor permitted by law, for an accused person to make his confession in writing, and the Commander could not consent to his request, but that now that he has had sufficient time to prepare himself, he can set forth all that he may judge necessary. There also remains to him recourse of allegation for his defense, but it must be understood that what he may allege, will be consequent to what has been actuated and proven.

- A. He cannot allege anything in his own defense, if he is compelled to subject himself to what has been actuated and proven in this process. He has reason to challenge what has been done in Natchez, as the Commander is his declared enemy, and forced him to sign the Confrontations, in spite of the opposition that he, the accused, had attempted to make, as may be proven by Benjamin Monsanto, Cato West and Samuel Yones (Young), who are now in this city and the same from the greater part of the other witnesses with whom he was confronted in Natchez, and with whose declarations he does not agree.
- Q. Is the confession that has just been read to him actually the same that he made in Natchez?
 - A. Yes.
- Q. What were the reasons he stated in his confession in Natchez, that he had to explain in New Orleans?
- A. It was to set forth upon what Jaime Ehot (Elliot) had said and done against him and the bad treatment he had received from the Commander, Phelipe Treviño.
- Q. In what did this bad treatment consist, and did he complain of this bad treatment before, or after, his imprisonment?

- A. That much beforehand he presented his complaints here before the Governor, who having found them just and well founded, rendered to the accused all the justice that could be desired, giving orders to the Commander of Natchez that he has not had the satisfaction to see carried out, because of the impediments placed in the way of the sale of his effects so as to pay his creditors.
- Q. What connections have these reasons with the crime with which he is accused and does he think the grudge the Commander is supposed to have against him can serve as an excuse for the crime of having incited those inhabitants to revolt, of which he has not only been charged, but convicted?
- A. The crime with which he is accused proceeds from the malevolent nature of Jaime Ehot (Elliot) and the evil disposition of the Commander against him even to inciting Seaton Banks (Sutton Bankes) and Juan Bornt to declare against the confessant. He told and promised them that although they were implicated in the crime, he would pardon them.
- Q. How does he dare to make imputations of this nature, when Sutton Bankes has declared the same as has been proven from several other declarations?
- A. What Sutton Bankes and the others have declared against him is false and slanderous and that it all originates and proceeds from the Commander's ill will, and if he signed the Confrontations in Natchez it was because he was forced to do so and that the conversations he held in Natchez, over whether the District was, or was not, comprised within the limits the Americans fixed in the Definitive Treaties between England and America were conversations in which there was nothing offensive to the Spanish Government and that there was no person in Natchez who did not argue about this matter just as the confessant had, without having any evil intentions.
- Q. Reprimanded as to how he dares to place the probity of so many persons in doubt? Is it likely that Jaime Liot (Elliot) would have expressly stated all he has set forth against the declarer, if the latter had not talked of such matters? Nothing is proven from the conversation that he acknowledges to have had with Elliot except the equivocations of his own depraved intentions inasmuch as he employed subterfuge as a means to sound out Elliot's secrets. This is not admissable in any Tribunal and it clearly follows from the confession and declaration of one and the other that the confessant, for his part, has made use of all the means at hand to start a rebellion and to carry it into due effect?
- A. He said that he not only had reason to doubt the probity of the persons who have declared against him, but he has proof enough to assure himself to the contrary, because one of them

has been accused of a crime worthy of the gallows which he has escaped by the help Mr. Willing gave him. He declares all that that they accuse him of to be false and that the confession that the deponent has made and has had read to him is alone true and that there is not one of the witnesses who has testified against him who has spoken the truth. All of them have given false evidence in the charges they have made.

- Q. Asked what interest could induce so many people to speak falsely and how can he imagine that his deposition alone merits credit before the Judges and that the testimony of so many impartial people, such as those who have testified against the deponent, do not merit it?
- A. He replied that the crime of rebellion of which he has been accused is without any foundation whatsoever as these same declarations prove by their variations and that it all originates from the hostilities and intrigues of Jaime Elliot and the evil inclinations of the Commander against the deponent.
- Q. Asked why he did not deny, in Natchez, as he does now, all the declarations made against him in this process. Let him state whether the Commander wrote what the deponent alleged in his own defense?
- A. He answered that in the first confrontation when he found several false statements in Ricardo Erison's (Harrison's) declaration, the Commander was unwilling to change them, although Erison agreed to it, upon seeing that the confessant was not willing to sign the confrontations as Harrison, himself, will be pleased to testify if called as a witness and that the confessant told the Commander that he would not sign the confrontation.
 - Q. Asked for what reason then did he sign?
- A. He answered he signed because the Commander compelled him to do so, telling him that it was obligatory that he should sign it, and that in addition to the bad treatment he had experienced from the Commander, there was the hope that he would find justice here, which made him sign so that he might leave that Post without delay, taking as witnesses from that same Post all those who were present there.
 - Q. Who were the persons who were present there?
- A. He answered those present were the Commander, Felipe Treviño, the Interpreter, Estevan Minor, the Escribano, Joseph Capetillo, the witnesses Ricardo Harrison, Cato West, Thomas Green, Benjamin Monsanto, Samuel Young and several others he does not remember.

At this point the Fiscal having found it convenient to suspend this confession to continue it after the Interpreters had read it, and the accused finding it conformable in all it contained, merely adding that when Ricardo Harrison agreed with the confessant that several of the statements in his declaration were untrue, the Commander promised the said Harrison that he would change them which he did not do. He signed the above, with the Interpreters, the Fiscal and the Escribano, to which the latter attests. (Signed) Francisco Bouligny; George Rapalie; L. Perras; Juan Josef Duforest; Juan Carreras.

Questioning on Harrison's testimony rethe thirty-first of March, of one thousand seven hundred and eigh-

ty-five, Francisco Bouligny having gone to the public prison of this city, accompanied by the two Interpreters, in this proceeding, caused the accused, Jorge Rapalie, to appear, and after he had taken due oath, promised and swore on the Holy Evangelists to speak the truth upon all that he would be questioned:

- Q. After the declaration of the first witness in this cause, Captain of Militia, Ricardo Harrison, was read and explained to him by the Interpreters, he was asked whether he had anything to say against it?
- A. He replied he has never spoken with unseemliness against the Spanish Government, as this witness charges him. On the contrary, he has and will give proofs, that whenever he has discussed the Spanish Government, it has always been with the greatest respect and that what this witness declares in the matter is untrue, as is all the rest he relates about the uprising of which he accuses him.
- Q. If he figures to indemnify himself against punishment, by denying everything, he must remember the oath he has taken and that an absolute denial, far from proving his innocence, contributes to the conviction of the defendant, in all that he has been accused of?
- A. He responded he knows very well that the abovesaid denial cannot alone prove him innocent, but he prays to have this person establish his guilt and prove the crime of which he accuses him, according to law and in this particular he abides by what he has stated in his confession made in Natchez and on what he confessed yesterday.
- Q. After having read him Guillermo Smith's declaration, let him say whether he does not find the depositions of these two witnesses sufficient proof of the lack of respect and insolence with which he has spoken intemperately, in public, of the Spanish Government, of which crime these two witnesses unanimously accuse him?
- A. The declarations of these two witnesses do not prove the crime of which he is accused because of the bad reputations of both, as he has offered to show.

- Q. Why these subterfuges when his insolent manner of speaking has been proven in this process, not only from the declarations of these two witnesses, but also by the depositions of several others, as will be seen farther on. He must confess the truth, explain and state with clarity what sense he wishes to give to the expressions that Smith quotes the confessant said against the Principal Commanding Officer now in this Colony?
- A. He answered that what is imputed to him in the question in this particular is untrue as confirmed and ratified, that far from having spoken indecorously against the Governor he has talked of him on every occasion as belongs to his position in view of the justice and good treatment he has always received from him which he offers to prove from the testimony of persons of the most distinguished character.
- Q. Asked what he has to say about the rest of the points of which Smith accuses him, relative to the uprising he meditated?
- A. He replied that Smith must prove his accusations according to law and that the deponent can do nothing else than refer to what he has confessed and ratified, namely that he had never thought of a revolution, and if at any time he has suddenly uttered some free expressions, it could only have been because he was drunk.
- Q. Reminded does he think that the excuse of being drunk can exempt him from the charge that results from it not only for what he has stated before Esmit (Smith) but also before many others. If drunkenness could be an excuse, all criminals would resort to it?
- A. He responded that he is not ignorant of the fact that drunkenness cannot serve him as an excuse, if the witnesses prove what they accuse him of, but he is also convinced that the Commanding Officers should distinguish between the expressions of a drunken man who talks without reason, or reflexion and the expressions of one speaking in cold blood.

At this state the Fiscal found it convenient to suspend this confession, to be continued later. It was read by the Interpreters and the accused, finding it conformable in all contained, signed with the Interpreters, the Fiscal and the Escribano who attests. (Signed) Francisco Bouligny; George Rapalie; Juan Josef Duforest; L. Perras; Juan Carreras.

On the same day, month and year, at about three o'clock in the afternoon, the Fiscal went with the Interpreters and the Escribano to the Public Prison of this city, and having caused to appear before him Jorge Rapalie, the accused in this proceeding, and having made him take the

customary oath, he was questioned after Benjamin Monsanto's declaration was read to him by means of the Interpreters. He was asked whether he had anything to say to it.

- A. He replied that all Benjamin Monsanto says regarding the uprising of which he is accused is due to the instigations and statements of Elliot and Guillermo Pountaine (Pountney) also incited by Elliot. As for what concerns the declarations by which Benjamin Monsanto directly accuses him regarding Colonel Gallard, these statements often repeated in the process, are very inconsequential, so no one who has knowledge of what Government is will pay any attention to them. How is it possible to believe that Felipe Treviño, invested with the office of Commander, would take the oath of Fidelity to a stranger, or a power not known to the Court of Spain, and upon which particular he has nothing more to say than what he stated in Natchez in his confession. For what concerns the bad conduct of the defendant that the said Monsanto declares has been told to him, this can proceed from no less than the instigations of persons with evil intentions.
- Q. He must answer categorically whether or not he has said about Colonel Gallard what Monsanto accuses him of saying?
- A. He refers to what he has said in his confession about this particular.
- Q. After reading Pounteney's declaration he was asked whether he had anything to say against it?
- A. He replied that all of what Pounteny says proves there was a plot formed among Elliot and the others for the purpose of ruining the confessant with the assurance that all of them would be protected by the Commander. Regarding the conversation he had in his house the day they dined there, he refers them to what he has previously declared.

At this state the Fiscal found it convenient to suspend this confession, to be continued later. He caused the Interpreters to read it to the accused, who finding it conformable in all it contained, signed with the Interpreters, the Fiscal and the Escribano, who attests. (Signed) Francisco Bouligny; George Rapalie; Juan Josef Duforest; L. Perras; Juan Carreras.

In the city of New Orleans, on the first day of April of the said year, the Fiscal caused Benjamin Monsanto to appear at his house to revoke a statement of his that the accused challenged in his confession. The witness was questioned by means of the Interpreters whether he swore by God and promised the King to speak the truth upon what he would be questioned, to which he answered, placing his hand on the Bible, yes, he swore and promised.

Q. Asked whether he was in Natchez on the seventeenth of February of this present year, and whether he was cited by Commander Felipe Treviño to be confronted with the accused, Jorge Rapalie, on points of the declaration given by the deponent, and whether he saw the said Felipe Treviño compel the accused to sign against his will?

A. He replied that Felipe Treviño ordered the accused to sign after he, the Commander, had translated the ratification into French. To this the accused, Rapalie, stated that it was not possible for him to sign the written document because he did not understand the French language, into which it had been translated, well enough and that it was very unjust to make him sign his own condemnation. To this the Commander told him it was necessary and that he absolutely must sign.

Q. Has the witness mastered the English, French and Spanish languages?

A. Yes.

Q. Was he present at all the confrontations that were held in Natchez on that day?

A. Not at all, but at the greater part of them.

Q. Asked whether the accused showed the same repugnance to signing at all the confrontations held in his presence?

A. Yes.

Q. Was he present at the confrontation of Ricardo Harrison?

A. Yes.

Q. Did Ricardo Harrison agree to having said some untrue things in his declaration, after seeing the charges made by the accused, and did Felipe Treviño agree to have them corrected?

A. He said no, the accused effectually contradicted many things Harrison had said, but the latter always sustained what he had declared.

Q. Did he hear the reading that was made to the accused of his confrontation with Harrison.

A. Yes.

Q. Was all that Harrison had said placed in it?

A. Yes.

Q. Were the contradictions of the accused placed in it?

A. He answered he thinks not, but that Rapalie said at the time of signing, when compelled to do so by the Commander, that he was going to sign something untrue.

Q. Since he knows both French and Spanish, let him say whether the translation of this confrontation made by Felipe Treviño into French was in conformity to and accordance with the same that had been written?

A. Yes, that it seems to him that the translation made by Felipe Treviño was like and in conformity to what had been written.

- Q. Were Rapalie's complaints made after the said ratifications had been read to him.
 - A. Yes, it was at the moment of signing.
- Q. Did the accused exact of the Commander that he should put down in writing the opposition and repugnance with which he signed.
 - A. No.
 - Q. Has he anything more to say?
 - A. No.

And having read him the declaration he has just made by means of the Interpreters, he said it was the same as he had given, and he signed with the Fiscal, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Benjamin Monsanto; Juan Josef Duforest; L. Perras; Juan Carreras.

Examination of Cato West.

Immediately after Cato West appeared, and when he had taken the customary oath by means of the Interpreters, swearing on the Holy Evangelists, the Fiscal questioned him.

- Q. Was he present at the confrontation of Jorge Rapalie with the witnesses who had testified against him, held before the Commander of Natchez?
 - A. Yes.
- Q. Was Jorge Rapalie compelled by the Commander to sign the confrontations?
- A. Jorge Rapalie refused to sign the confrontations and wished to put various and many questions to those who had testified against him. The Commander told him it was not legal for defendants to do so and that these could only say whether they agreed, or not, with the declarations of the said parties. In consequence Jorge Rapalie refused to sign if he was not permitted to put various questions to those who testified against him, upon this particular. He took a witness from those who were present, the Commander having permitted him to ask the questions he wished, and he signed, although he always complained that the Commander compelled him to sign his own condemnation.
- Q. Did the accused contradict any of the charges made against him by Ricardo Harrison.
 - A. Yes.
 - Q. Did Harrison agree with him?
- A. He answered that when Harrison said in his declaration that during the conversation Rapalie held with Truly and others, on the Natchez Road, that the witness and Tomas Green were present. Rapalie reprimanded Harrison telling him that this was not true, because neither the witness, nor Green were present when he talked to Truly. Harrison answered that this could very well be so, but that Truly had told him the same as he has declared.

- Q. Did Jorge Rapalie request the Commander to enlarge upon this circumstance in the confrontation?
 - A. He does not remember.
- Q. At the time of the confrontations with Harrison and others, did Rapalie complain that he did not understand the translation of what was being read to him?
- A. At various times Rapalie asked an explanation of what was being read to him.
- Q. Did the Commander give him an explanation as requested?
- A. He did not see him do so. The Commander may have refused and as he does not understand French he cannot affirm this, but he is convinced that he did not refuse it.
- Q. In what language was the reading of the declarations and confrontations made?
 - A. In French.
 - Q. Did Rapalie say he did not understand that language?
- A. He does not remember to have heard him say any such a thing.
 - Q. Has he anything more to say upon this particular?
 - A. No.

And having read him his declaration by means of the Interpreters, he said it was the same as he had given, and he signed with the Fiscal, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Cato West; Juan Josef Duforest; L. Perras; Juan Carreras.

Samuel Young is questioned. Immediately after, Samuel Yong (Young) appeared, and having taken the customary oath by means of the Interpreters and having sworn on the Holy Evangelists, the Fiscal questioned him?

- Q. Was he present when the Commander of Natchez confronted the accused, Jorge Rapalie, with the persons who had deelared against him?
 - A. Yes.
- Q. Did the Commander of Natchez compel the accused, Jorge Rapalie, to sign the confrontations of the declarations given against him?
- A. The Commander told the accused to sign and the latter said this was the same as asking him to sign his own condemnation.
- Q. Let the witness say whether he compelled him in other terms than in telling him to sign.
- A. The Commander did not say anything else, except that he must sign and that the only privilege that an accused had was to answer yes and no.

- Q. Was he present at the confrontation of the accused with Ricardo Harrison?
 - A. Yes, he was present.
- Q. What altercations took place between the accused and Ricardo Harrison?
- A. He cannot say anything upon this particular, because he did not understand what they said, considering that he knows nothing of the French language.
- Q. Has he anything more to say, and does he know whether any violence might have been used against the accused.
 - A. He answered no and referred to what he has said.

His declaration was read to him by means of the Interpreters, and he said it was the same as he has given, and he signed with the Fiscal, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Samuel Young; Juan Josef Duforest; L. Perras; Juan Carreras.

In the city of New Orleans, on the second day of April of one thousand seven hundred and eighty-five, the Fiscal went to the prison accompanied by the Interpreters and the Escribano, where he caused to appear before him, Jorge Rapalie, the accused in this proceeding, and having made him take the customary oath by means of the Interpreters, he was questioned, after he was made to read the translations into English from the declaration of Guillermo Pontene (Pountney), including all the rest of them up to the end. Let him state all that he has to set forth concerning them.

He answered that the declaration of Jaime Truly, 5th witness, is full of errors and falsifications as he offers to prove. The declaration of Elliot, 6th witness, is also untrue. He has never solicited, nor induced him as he charges, and that he has had no other conversation with Elliot, except what he has stated in his confession and that he has never had the least intercourse with the French, nor with the Indian tribes. He has nothing to say to the declaration of the 7th witness, Ricardo Eliz (Ellis). He has no comment to make on the declaration of Samuel Young, 8th witness, as no one could be a better witness than the said Young who testified to the assiduity of the confessant to labors on his land, considering that he was his clerk and lived in Rapalie's own house. He has nothing to say to the declaration of Thomas Pollock, 9th witness. He has not the least knowledge of what Sutton Bankes, 10th witness, testifies against him. All the charges Parker Caradine makes against the confessant in his deposition are false, as he will prove from Cato West's testimony, who gave it to Rapalie, himself, coming down from Natchez, namely, that the said Caradine, while talking to Cato West, in

Natchez, told him, before he was called to declare, that he had nothing to say against Rapalie. That never having had evil intentions, he does not remember all Cato West stated to him, but it is very feasible that he may have said many other things besides what Cato West relates and that prove he had no bad intentions when he spoke. He remembers having been at the plantation of Tomas Green, 13th witness, where he did not stay more than 10 minutes. He went there to ask for tobacco seeds, only, and does not recollect whether they had the conversation that is quoted.

- Q. He was asked what advantage does he think he can obtain by denying all the charges that so many impartial persons have made. These joined to his confession clearly demonstrate that the defendant has done his best to sow the seeds of sedition and that if he did not succeed in starting a revolution, he did as much as depended on his own efforts.
- A. His conscience does not accuse him of anything and if he has said things that were too free, he affirms and protests he never has had bad intentions. He prays the mercy of the Officials who should remember his youth and the vice of drink that he really has and the snares that his enemies may have laid, and that since he has been in the Colony no one can impute anything wrong to him.
 - Q. Has he anything more to say?
 - A. He has nothing to say.

His confession having been read to him by the Interpreters, he said it is the same as he has given, and he signed with the Fiscal, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; George Rapalie; Juan Josef Duforest; L. Perras; Juan Carreras.

In the city of New Orleans, the said day, month and year, the Fiscal having caused to appear before him Graduated Captain and Lieutenant of Grenadiers of the Regiment of Infantry of Louisiana, (Zenon Trudeau) notified him that the accused in this process, Jorge Rapalie, had named him his defender, which appointment he accepted, and he signed with the Fiscal and the Escribano who attested. (Signed) Francisco Bouligny; Zenon Trudeau; Juan Carreras.

Benjamin Monsanto is re-examined. Immediately after, the Fiscal caused to appear before him, in the presence of the defender, and by means of the two Interpreters the declaration recently given by Benjamin Monsanto relative to the quotation made by the accused, was read to him to make him acquainted with its contents, and after he had taken due oath he said he affirmed and ratified all that he had declared

in it, adding that in the question previously put to him, namely: whether Ricardo Harrison agreed to having said some untrue things in his declaration on seeing the charges made by the accused and did Felipe Treviño agree to have them corrected, he failed to say that actually in the dispute between the accused and Harrison, at the time of the confrontation over whether Katoguest (Cato West) and Tomas Grin (Green) were really present when the defendant talked to Truly on the Colles Creek Road, Rapalie maintained, in spite of Harrison that on this occasion Cato West and Tomas Green were not present, which was confirmed by both Cato West and Tomas Green who are now here present. They say they were not really present at this conversation and that Harrison always maintained that Truly had told him so. The witness agrees to all the rest, and he signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Benjamin Monsanto; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Cato West is re-examined.

At this moment the Fiscal caused Cato West to appear before him, who having taken due oath by means of the Interpreters, was questioned, in the presence of the official defender, after he had been made to read the declaration he had lately given, as to whether he ratified in all and whether he had anything to add to, or take from it? To which he answered he affirmed and ratified his declaration in all that it contains and that he has nothing to add to, nor take from it, saying, however, that at the time of the dispute between Rapalie and Harrison during the confrontation over what Truly had told Harrison, namely that the witness was present when Rapalie talked to Truly on the Colles Creek Road, the witness says and declares that neither he nor Tomas Green actually met him on that occasion, and he signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Cato West; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Immediately after, the Fiscal caused Samuel Young to appear Samuel Young is re-examined. before him and he, having taken due oath by means of the Interpreters, was questioned in the presence of the official defender. His declaration lately given was read to him and he was asked whether he ratified it and whether he had anything to add to, or take from it. He answered that he affirmed and ratified what he has declared and has nothing to add to; nor take from it, and he signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Samuel Young; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Immediately after, the Fiscal The Accused confirms his last Confession. went to the Public Prison of this city, accompanied by the Interpreters, the official defender and

the Escribano, where he caused to appear before him Jorge Rapalie, the accused in this cause, who took due oath by means of the Interpreters, upon the Holy Evangelists, swore and promised to speak the truth in all that he would be questioned. An English translation of his confessions that had been given on four distinct occasions since he came to this city, were read to him, and he said that all he has confessed is in accord and that he confirms and ratifies everything he has said and has nothing to add to, nor take from his statements, and he signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; George Rapalie; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Confrontation of Benjamin Monsanto with the accused to answer for his last declaration.

At that moment Benjamin Monsanto was introduced into the same room to confront him with

the accused, upon the last declaration he has given, and both having taken due and customary oath, the accused was asked whether he was acquainted with the person before him and whether he knows him to bear him any hatred or ill will? He answered that he is acquainted with him and does not think he bears him any hatred or ill will. An English translation of Monsanto's last declaration was read to him by the Interpreters, to which the accused answered that he confirms what he said, namely that the Commander promised Ricardo Harrison to change his statement (to read) that Cato West and Tomas Green were not present when the confessant spoke to Trule (Truly) on the Colles Creek Road. To this Benjamin Monsanto has said such might be the case, but he does not recollect. For this reason the Fiscal reprimanded the accused, saying, why did he not make this charge to Truly, himself, at his confrontation, then it would have been easier to clarify this point with Truly and not with Ricardo Harrison who has done nothing more than repeat what Truly had said.

He answered that Truly was the last with whom he was confronted, he forgot this circumstance, and that he thought this point cleared up when Ricardo Harrison agreed to the correction, and having nothing more to say, they signed with the Fiscal, the Defender, the Interpreters and the Escribano. who attests. (Signed) Francisco Bouligny; George Rapalie; Benjamin Monsanto; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Confrontation of Cato West with the accused. Cato West to appear, and having confronted him with the accused, both took due oath by means of the Interpreters, then the accused was questioned as to whether he was acquainted with the person before him and whether he knows him to bear him hatred or ill will. To this he answered that he is acquainted with him and does not know him to bear him hatred or ill will.

An English translation of the declaration recently made by Cato West was read to him by the Interpreters, and the accused said he had nothing to say. Rapalie then requested that the witness before him be questioned whether he did not say, on the way down from Natchez, that Parker Caradine had told him, before being called to testify, that he had nothing to say against Jorge Rapalie. This question having been put to Cato West, by the Fiscal, the former answered that this question is true and that Parker Caradine really told him, before going to testify, that he had very little of anything to say against Jorge Rapalie.

The accused also requested the Fiscal to ask this witness whether Soto Wanques (Sutton Bankes) who was present, did not tell him, on leaving the house of the Commander of Natchez, that the said Commander had just told him that he must declare the truth and must tell what he knew against Rapalie and even though Soto Wanques should implicate himself, he would pardon him. This question having been put to Cato West by the Interpreters, he answered that actually on the second day of Jorge Rapalie's imprisonment, Soto Wanques told the witness that the Commander had ordered him called and had told him to state truthfully what he knew against Jorge Rapalie and that even though he should compromise himself, he need not fear, as he would save him by showing that Rapalie alone was the guilty one. He also told him, at the same time, that he would shortly be called to testify under oath.

The Fiscal then ordered the Interpreters to read them their present ratification, and they said that they agreed to it, for this reason the Fiscal found it suitable to read to Cato West the first declaration he made in Natchez. He verified this through the Interpreters, and was asked whether he had anything to add to or take from it?

- A. He answered the declaration that has just been translated is, with a slight difference, the same as he made in Natchez, but that he finds, however, two things of consequence have not been put in the sense of what he had wished to say.
 - Q. He must state what these two things are?
- A. In the conversation that Jorge Rapalie had with him upon whether that country (the District of Natchez) had enough people to form a government, it was under the supposition (he meant) whenever the Courts would decide that that territory belonged to America. In this case and no other, Rapalie said it had enough people to form a government and that the witness did not intend to say anything else. He also said that the statement on page fifty-five, line seventeen, in prejudice to the Spanish Government, does not conform to the sense in which it was given, because what he intended to say and did say upon this particular is that even though that country would become American, by agreement of competent parties, America would never think ill

of them if they had taken the oath of allegiance to Spain, should this point be decided by the Courts in the interim. Neither should they maintain correspondence with America on this particular, because it is not regular, nor would Spain permit it. He further said that on page fifty-six, line nine, the phrase, that he began to suspect, might follow from, or be attributed to Rapalie's ideas and this was not his intention because what the declarer said was that he began to have suspicions on seeing the statements of Haliot (Elliot) and others that the Commander could not figure out how such a thing could be carried out. For this reason they resolved to warn the Commander so as to remove the bad impressions he may have taken in consequence of Rapalie's remarks.

Q. Was the ratification of his declaration not read to him and if so, by whom was it interpreted for him?

A. It was interpreted by Adjutant Estevan Minor, to whom the Commander read it in French, but not with the precision and clarity with which it is now interpreted and although he made some objections, but that Esteban Minor said that what he had put down and signed in the ratification was the same as the witness had declared and not having any more to say he signed with the accused, the Interpreters, Fiscal, Defender and Escribano, who attests, the accused, before signing, requested the Fiscal to do him the favor to ask the witness through the Interpreters, as he was present, to name the persons, in Natchez, who told him that Jorge Rapalie had evil intentions and wished to start a revolution. This question having been actually propounded by the Interpreters, he answered that the persons who told him were Elliot, Hesmit (Smith) and Pontene (Pountney) and that these last two had informed him that they had learned more things through Elliot than any other. With this they signed. (Signed) Francisco Bouligny; Cato West; George Rapalie; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Samuel Young called for another confrontation. Immediately after, the Fiscal caused Samuel Young to appear, and having confronted him with

the accused and both having taken due oath by means of the Interpreters, the accused was asked whether he was acquainted with the person who was before him and whether he knew him to bear him hatred or ill will? To this he answered that he is acquainted with him and does not suspect him of anything, and having interpreted his last declaration to him, that had been taken pursuant to a citation from the accused, the latter said he had nothing to say and that he agreed with it. They both signed with the Fiscal, the Defender, the Interpreters, and the Escribano, who attests. (Signed) Francisco Bouligny; Samuel Young; George Rapalie; Juan Josef Duforest; L. Perras; Juan Carreras.

permit it.

In the city of New Orleans, on Cato West re-examined. the fourth day of April, of one thousand seven hundred and eighty-five, the Fiscal, having summoned to his house Cato West, the two Interpreters and the Official Defender of the accused in this cause, and when the said Cato West had taken due oath and promised to speak the truth upon all that he would be questioned, the Fiscal read to him the declaration he had made in Natchez, as it appears in this process, on page fifty-four, beginning from line seventeen, at the word saying up to page fifty-six, in which the narration begins with the words, nor was he convinced that he attempted a revolution, and having made him well acquainted with what is contained in the narration, given here, by means of the Interpreters, the Fiscal ordered that there also be read to him so that he might explain in his own language what he has recently declared in this city, on page one hundred and thirty-six, *in which he says that the statement on page fifty-five, line seventeen, (in prejudice to the Spanish Government) does not conform to the sense in which it was given, because what he intended to say and did say upon this particular is that even though this country would become American by agreement of competent parties, America would never think ill of them if they had taken the oath of allegiance to Spain should this point be decided by the Courts in the interim. Neither should they maintain correspondence with America on this particular, because it is not regular, nor would Spain

The witness was fully informed of the contents of the above by the Interpreters and the Fiscal called him to account, saying that as a result of these two declarations with greater proof from the controversy which took place in Natchez between the witness and Rapalie upon whether or not it was advisable for the residents of that District to take the oath of allegiance to Spain, supposing that the terms stipulated in the Treaties of Peace had not fixed and determined the boundaries by the respective Courts. As a result from the same reasons, the declarer says and affirms that he argued with Rapalie that the opinion of the latter was entirely opposed to his, let him say now and explain with clarity what was Rapalie's views upon this particular, what were the prejudices that might follow if the residents of that District took the oath of allegiance to Spain and what were the means he proposed to avoid these prejudices?

A. He does not know what Rapalie's reasons were for thinking that America would think ill of the people of that District if they should take the oath of allegiance to Spain after the boundary was fixed by definitive treaties between the Court of Great Britain and the Americans, because Rapalie did not speak of them. He does not know the prejudices that Rapalie could think would result to the inhabitants of the District. Rapalie

^{*}Some parts of this record bear a double page numbering.-L.L.P.

did not propose any means to avoid these prejudices, and that the conversation they had on this particular was very short and superficial. He was made acquainted with all he had declared by means of the Interpreters, and all signed.

The word crossed out at the beginning of the declaration, which is diciendo (saying) is null and void, as is also the phrase at the beginning of the answer, Que no save qual hera el pareser de Rapalie sobre el par (That he does not know what was Rapalie's opinion upon the par [ticular]). The words written between the lines, con la America (with America) are valid. (Signed) Francisco Bouligny; Cato West; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Immediately thereafter the Fiscal caused Benjamin Monsanto to appear before him, who took oath by means of the Interpreters, and the Fiscal then ordered them to read and interpret to him the first declaration that this witness has given on page thirteen, and having done so, he was asked whether it was the same as he has declared and whether

A. He answered it is the same as he has given, and he affirms what he has declared in it. He has nothing to add to nor take from it. He signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Benjamin Monsanto; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Benjamin Monsanto is recalled for further the sixth day of the said month and year, the Fiscal caused Benjamin Monsanto to appear before him, and having taken due oath by means of the Interpreters and in the presence of the Official Defender, he was questioned:

Whether he had not spoken to Ricardo Harrison, in Natchez, about Rapalie's conversation the day the latter invited the witness, Jaime Elliot and Guillermo Pounteney to dine with him and whether he did not tell Harrison what Rapalie had said relative to Colonel Gayarre* namely: that if they compelled him to take the Oath of Allegiance to Spain, or leave the Post, within a period of twenty-four hours a very considerable and sufficient force would assemble and would resist him.

A. He did not say any such thing.

he has anything to add to, or take from it?

Q. Reprimanded why does he claim that he did not say any such thing when it authentically appears in Harrison's declaration that not only did he say this, but also that Rapalie had

^{*}This name should be Galliard .- L.L.P.

said that Jacito Galliard had sown his tobacco seeds and was prepared to make the most of his crop which would be gathered in due time and should he fail to do so the Chactas (Choctaw) Indians would come to harvest it.

- A. He did not say any such thing to Ricardo Harrison.
- Q. Did he not tell Guillermo Smit(h), on the same day he dined in Rapalie's house, that the latter had said, at the table, that Colonel Gaillard would not take the Oath of Allegiance to the Spanish Government and that before long the Commander of the Post would see himself compelled to take the said Oath of Allegiance before Jacito Gaillard?
- A. This question is true in what it contains and is the same as the witness has stated in his declaration.
- Q. He must positively say and declare whether Rapalie, at the time of the invitation given to the witness, Elliot and Pontenet, said that he had sufficient force to maintain Colonel Gaillard in the Post against the will of the Spanish Government.
 - A. Rapalie did not say any such thing.
- Q. How can he state that he did not say such a thing when out of three of the invited guests who were there, two have affirmed and declared it?
- A. He might have said it when the witness was absent, but that in his presence he did not hear such a thing said.
- Q. Did Pontene (Pountney) not tell the witness that he wished to inform the Commander of all he knew and had heard said against Rapalie, but was undecided whether to do so, or not, for fear he might implicate himself, because he was not fully certain of the point at issue?
- A. This is true and that Pontene really told the witness what is included in the above question on the same day, but before Rapalie was made a prisoner. It may be observed that although Pontene was seen very frequently with the witness and knew him intimately he did not say the least word of his suspicions against Rapalie until the day he was apprehended.
- Q. Did he have a conversation with Jaime Truly, in the presence of Guillermo Pontene and Jaime Elliot concerning several actions of Rapalie's that prove he intended to incite a revolution?
- A. He has never held conversation with Jaime Truly, although he has seen him several times, nor does he know whether Pontene and Elliot have conversed with him on this particular.
- Q. On the day he dined at Rapalie's house, did he not talk, at the table, about Colonel Gaillard's forceful manner of speaking?
- A. He did not hear Colonel Gaillard's name mentioned on any occasion other than what he has said in his declaration.

- Q. Does he know, or does it seem to him that Rapalie has had friendly intercourse and may have frequently traded with Soton Banques (Sutton Bankes)?
- He, the witness, being a stranger in that Post does not know whether Rapalie held friendly intercourse and frequently traded with Soton Banques.

At this stage the Fiscal ordered this declaration read to the witness by the Interpreters, and he said it is the same as he has given, and he signed with the Fiscal, the Official Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Benjamin Monsanto; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

Immediately after, the Fiscal Cato West is recalled for further ques caused Cato West to appear before him, and having taken due oath

by means of the Interpreters, in the presence of the Official Defender, he was questioned:

Whether the day after Jorge Rapalie's imprisonment, he was not in the company of Guillermo Pountney and Jaime Elliot and the witness having told Pountney, jointly with Elliot, that as Rapalie had talked to them about his project, they had decided to inform the Commander, but did not know how to do so and not expose their persons if it became known in the District that they had given the information.

- A. He cannot declare anything more on this particular than what he has recently stated about this matter which he affirms, however, he did not hold any such conversation, nor does he remember that the abovenamed have conversed in such a manner in his presence.
- Q. Is he acquainted with Juan Brunet and does he know whether the latter is in this District?
- A. He is very well acquainted with him, but does not know whether he was there when the witness left.

In consequence of which the Fiscal ordered the Interpreters to read this declaration to the witness, and when he was informed of its contents, he said it is the same as he has given, and he signed with the Fiscal, the Defender, the Interpreters and the Escribano, who attests. (Signed) Francisco Bouligny; Cato West; Zenon Trudeau; Juan Josef Duforest; L. Perras; Juan Carreras.

I send you the proceedings in-Official letter from Esteban Miro to Fran- stituted against Jorge Rapalie, a resident of Natchez, accused of the crime of having attempted to incite the inhabitants there to revolt, and in consequence of which I have consulted with you, after having read carefully all that took place in Natchez.

find it advisable and necessary for you to take another confession from the accused to complete the quotations that the latter has made from persons who are in this place, and all other proceedings that may be official, without leaving here, and that you may judge suitable to clarify this cause, and do not omit the requisite proceedings that have been taken in Natchez, and that the accused will have to name a defender, and this done, you must draw up an opinion with all the particulars in detail upon whatever has taken place and send it to me for my decision.

God preserve you many years. New Orleans, March 19, 1875. (Signed) Estevan Miro. To Señor Don Francisco Bouligny.

Official letter from Phelipe Treviño to Governor: According to Your Lordship's orders I have tried to watch Jorge Rapalie's conduct when it has been possible and have discovered that some time ago he attempted to start a revolution. However, fearing that the warnings I had received might be exaggerated, I did not think I ought to arrest him. I was satisfied solely with making him remain in the neighborhood. But having learned on Sunday the sixth of the past month that things were serious, I took a party to apprehend him which I effectuated that same night.

The proceedings that I have drawn up which I send to Your Lordship, here attached, will inform you of all the particulars of the event. I would have kept on with my investigation regarding the rest of the accomplices, but feared to find a considerable number that it would be necessary to punish in the same way as the prime mover who had started the general restlessness in this District and consequently its depopulation.

It will not surprise Your Lordship that Jorge Rapalie seems to me to be capable of such an alarming and heinous action, since he returned from the Capital, coming here to commit such a crime, when he has been overloaded with Your Lordship's favors. He had the effrontery to tell several persons that he did not have to thank anyone for the benefits he had received from Your Lordship, since it was due to his own wise management in allotting money to various people, particularly the Interpreter. I would have doubted the person who told me, except that it was stated in a declaration, given under oath, which I did not think should be put in the process. A man who would dare to boast loudly of an imputation of this kind is capable of anything.

I cannot refrain from commending to Your Lordship, in particular, the zeal that Jaime Elliot, a resident, has shown in this affair, he being the first to give information which he continued to impart to me until the moment it seemed to me to be unwise to let the matter run much farther. In the same manner

I must call Your Lordship's attention to the accuracy and vigilence with which Estevan Minor has proceeded with the inquest in this cause, in accordance with my instructions. The two have done themselves much credit on this occasion, for which Your Lordship must bear them in mind.

I shall be glad if I have discharged my duties to Your Lordship's satisfaction and have been able to please you in stopping an affair of so much consequence and for the confidence that I have obtained from Your Lordship for the command of this Post.

I wish most perfect health for Your Lordship, praying God that your important life may be spared for many happy years. Natchez, March 4, 1785.

I kiss Your Lordship's hands. Your most attentive servant and subject, (Signed) Phelipe Treviño.

To Senor Don Estevan Miro.

Very dear Sir: I inclose for Your Lordship the process against Jorge Rapalie. The proceedings that I have instituted here in compliance with your orders, far from clearing up the doubts and objections that you have noted in the first reading of this cause, offer new difficulties and perplexities.

The explanation Cato West has given here and what he declared in Natchez have caused me the greatest surprise. I cannot attribute this most grave fault to any reason other than a limited understanding of the translation. This circumstance, however, has compelled me to suspend judgment on the declarations of Sutton Bankes and Parker Caradine who are the ones that most directly implicate Rapalie, then comparing the charges that these have made with those of Cato West, in Natchez, there always remains a suspicion that the Interpreter may not have truncated the sense of what they had declared, as Cato West says he truncated what he stated and declared in Natchez.

I say that Sutton Bankes and Parker Caradine are the ones who most directly implicate Rapalie, in their declarations, because in them the bias and determination does not show that is noted in Elliot.

In the grave accusations that Elliot brings against Rapalie, he neither makes clear, nor cites witnesses, nor indicates the least means by which the fiscal could clarify and prove them. In the accusations of less importance he cites witnesses, but of these some contradict the others, thus minimizing their statements and no one fully agrees with him. In the entire process it is shown that the rumor that is spread in that town of Rapalie's intended rebellion originates with Elliot. Elliot is the one who

explains the impressions of nearly all the witnesses, making them see malice and rebellion where perhaps there was nothing except indifferent and thoughtless sayings.

If Rapalie told Elliot all the latter relates in his declaration, the reason cannot be conceived why he did not also say where the eight hundred pounds of powder was stored, who were the forty-nine persons who had signed the list of conspirators up to the point where he introduced Colonel Jazzito Gallard into this engagement. In what place he had hidden the two Indians, or where did they live, who would carry the warnings to the tribes, and what antecedents, and what intimacy he had had with the trader, Frazientos; what was the contretemp that happened to Bournet and retarded the undertaking. This reticence of Rapalie is neither probable, nor credible, after having treated with Elliot and with the confidence that is supposed to exist in an affair of so much importance.

Nor can the reason be conceived why Elliot did not employ all of his cleverness to draw from Rapalie some indication that would clear up some of these accusations. Elliot should at least explain, in his declaration, the means he used to obtain this end and the difficulties that rendered it impossible to him so that the Commander, informed of all, would have been able (if any misgivings remained to him) to direct his vigilance so as to overcome these difficulties and in a way to clear them up; in this the Fiscal, for one part, has been very careless, because any one of these acts, well proven, was sufficient to convict Rapalie, fully, which was the principal object of this process.

But for the other part, it is evident from the Commander's official letter, placed at the beginning of this proceeding, that Elliot was commissioned to trail Rapalie, it cannot be doubted that he reported exactly, all this important information, much before the process was begun and that both together employed every public means, as they should, and with the full advantage that any of Rapalie's restlessness gave them, to discover the facts of these said acts and since the investigation of any one of these grave charges does not appear in this process, I am inclined to think and I am firmly convinced that he did not have such a quantity of powder, such a list of conspirators, no intervention from Jazito Gallard, no Indians detained for this purpose, no correspondence with Fraricas and that Bournet did not suffer any contretemp.

It was a necessary obligation for the Fiscal to detail, in this process, the means employed to make these accusations clear and that did not produce any effect. The Judges must be fully informed of everything. The accusations presented in mass can produce error and when not, they cause perplexities and anxieties.

The Commander of Natchez stated in his abovesaid official letter: I would have kept on with my investigation regarding

the rest of the accomplices, but feared to find a considerable number that it would be necessary to punish in the same way as the prime mover who had started the general restlessness in the District and consequently its depopulation.

An opinion so contrary to mine given in an official letter which is at the Post and has been filed in the same proceedings and through whose hands all documents have passed that have been presented, these will make a great impression if I do not clear up the origin of this diversity of opinions always basing my own upon the same as against and is actuated in this process.

Of the two kinds of rebellion treated in this case, one is what . Elliot accuses Rapalie, namely; of having secretly made him a confident and that he just referred to a deposit of eight hundred pounds of powder and forty-nine confederates, etc. bellion, I say and affirm, has never existed and if it has existed it has only been in Rapalie's mouth and Elliot's imagination. I have grounds to think that the Commander of Natchez is of the same opinion as I, upon this particular all that has been performed judicially in this cause proves it to me, but more than this, in the same paragraph of his official letter that I have just quoted, this said official, inasmuch as he was capable, thought himself authorized to overlook a rebellion of this kind, to leave the accomplices free and not to carry the investigation of such a crime any further (whatever might be the number of the guilty) and not to search into this most recondite dissimulation to fathom and to clear it up? If such a rebellion had been certain, to prosecute Rapalie, alone, would be a notorious and atrocious injustice.

The other kind of a rebellion that the Commander of Natchez has considered as such and upon which he falls back in a paragraph of his above quoted letter, is without doubt relative to the conversations that were started at the Post over whether, or not, the territory was included in the boundaries fixed by definitive treaties between England and the United Provinces of America. Upon this particular I am of an opinion opposed to that of the Commander at Natchez. I see the necessity to base my opinion and to dwell upon the nature of these conversations, because in addition, this discussion can serve to raise the veil and to cause the shadows and obscurities to disappear, that have been noted in this process, which I bind myself, my soul and my conscience to perform, as well as the orders that Your Lordship has been pleased to give me.

The greater number of people, or at least nearly all of them that settled that District, are Americans and among them some English Royalists, no one is ignorant of the fact that these people are accustomed from the tenderest age, to read all the newspapers and every paper published to which printing has given birth, this degenerate custom is a species of passion, their greatest recrea-

tion is to get together and placing tea on the table, or a bottle of wine, they gather around the newspaper and each one argues about the affairs they contain.

It is natural to think and from what has been set down in this process, it may be inferred that the affair they have mostly debated, for the part that concerns them, is the Treaty of Peace drawn up between England and the United States of America. Some will be of the opinion that this territory belongs to America, because it is included within the 31st degree of North Latitude, fixed as the boundaries of the American Countries, by agreement and articles stipulated by the two above quoted Powers in the aforesaid Treaty of Peace. Those who are of this opinion base their claim on a document for this authenticity drawn up in Paris, before and with the knowledge of the Ambassador of Spain. The others with more foundation, perhaps, will be of a contrary opinion, basing it on the potent reason that the English could ill dispose of a country that did not belong to them and that was possessed and had been conquered by Spain by force of arms and with so much glory and that the silence of the Court of Spain on this particular cannot give England a right that she did not There is nothing criminal, nor seditious, in the dispute that the diversity of opinions have caused upon this subject.

These conversations have gien birth to a discussion as to whether it will be more advantageous to the personal interests of those inhabitants to have the territory remain under the Dominion of Spain, or to have it decided by the Courts that it be included in the American Domination. This discussion will have occasioned many arguments for and against, some say we are Americans and should be glad to be united to the dominion of our parents and brothers, others with more foundation and reason, say and maintain that the greatest misfortune that could happen to them would be to become Americans and be added to and dependent upon the Province of Georgia. What difficulties will we not meet, they have said, for the decisions of our lawsuits and appeals, the country we will have to cross, a forest of more than two hundred leagues and by water we will have to ascend against the current for more than four hundred? To whom will we sell our tobacco and products and who will provide for our necessities? The prosperity which we enjoy, the fostering that our farming has taken, the riches we have gained from the sale of our tobacco and our other productions, the facility with which New Orleans provides us with all of our necessities and the justices and protection we have found in the Commanding Officers must make us wish, with the most ardent hope, to live forever under the sweetest and mildest of dominations. Can the love of their primeval country excite other desires in the hearts of those inhabitants to cause them to long, with such eagerness to have the territory included in the American possessions, if so,

nothing of this will be strange, nor criminal and can only be characterized as ingratitude, after they have received so many benefits.

Nor will anything criminal be found in what they have argued over, concerning the means that they will take to form a particular Province of all the territory, in the supposed case, that it is American. The public papers of America have given space to what Congress announces to the inhabitants of the interior countries and particularly to the dwellers of the Ohio. The faculty to be able to form, by themselves alone, one, or several Provinces, at all times and whenever they may have a certain number of people, is fixed in the said papers. This is the point on which they have found the grounds, some to display malice and others ignorance and from these have issued the clamor, so often repeated in this process, for the formation of an independent government by a certain number of sensible people and honest young men, who would establish a Bank to issue paper money, to expel the Spaniards from there, to which place a great number of Americans would come in a very short while. It was for this Rapalie lived, hoping that after two months had palsed it would not be in the power of the Commander to trouble him further and then he would be avenged. What if America should take it ill, or not, that the population did, or did not take the oath of allegiance to Spain, after the terms stipulated in the Treaty of Peace were fulfilled and for which it was necessary to undertake something and several other expressions of this tenor, susceptible to the most sinister interpretations and that Cato West, for his part, has contradicted and clarified very accurately in his declaration on pages 135 and 136.

No doubt remains but that these sayings have been exaggerated by Elliot and may also have been misinterpreted by others, although the reason is not well conceived that could have incited them to it, notwithstanding the terror and restlessness that the rumor of Rapalie's rebellion alone had occasioned, is, to my way of thinking, sufficient to induce those people to exaggerate their suspicions in their declarations, perhaps fearing to see themselves involved if they clarified the opinion they had formed from these statements, especially if they have quoted in the allegations of the Interpreter and the Commander, the least bias against Rapalie, placed in this state of mind by the little that Elliot has told them, they have drawn from these statements the most criminal intentions, which they have looked upon before with indifference and contempt, as appears in this process.

The Commander is influenced in his error by Elliot and other sinister interpretations and carried along by zeal, not well understood, he attacks the meaning of all the shadows and anxieties he has left scattered in this process, that confuse him, without clarifying one sole act with the precision, method and accuracy

that Judges require to base their opinions, and what is worse he retains the firm conviction that there really and actually had been a rebellion and that the greater number of the inhabitants of that District are accomplices implicated in it.

Up to this point, I do not base my opinion, Rapalie may have been guilty, but whether I think there is any foundation to support it, in view of what has taken place, there has been no rebellion in the District and consequently no such crime of accomplice results against those inhabitants.

This my affirmative opinion, falls only upon the Rebellion announced by the Commander of that District, then for what concerns Rapalie, although I do not look upon him as a rebel, nor as a conspirator, I have always considered him very guilty and no doubt remains to me in view of all that results from this process and that he has forgotten himself in his insolent and seditious speeches and is capable of disturbing the peace of those inhabitants and that in consequence public opinion and appropriate justice demand that exemplary punishment should be meted out to him to serve as a lesson so as to cause the people to restrain their conversations within the limits of respect and veneration, as they should, for the authority of those who govern them.

This is as much as I comprehend and can say to Your Lordship upon this particular after having employed all the reflection of which I am capable to clarify a cause set forth without method and full of grave faults of formality and precision in a matter of the greatest importance and my zeal for justice and equity have alone guided my pen and if I have made a mistake in anything, Your Lordship, as Governor of this Province, better informed about the antecedents, with full and personal knowledge of the local of that territory and the particular character of those inhabitants will be able to parden my errors and to form your opinion, so that this summary, purified as much as possible, may reach the hands of His Excellency, Señor Conde de Galvez, Our Captain General, and he can determine what is most suitable.

May God preserve Your Lordship many years is what I wish for you. New Orleans, April 17, 1785.

I kiss Your Lordship's hands. Your most attentive and constant servant and subject, (Signed) Francisco Bouligny.

Señor Don Estevan Miro.

Proceedings in Mexico.

Mexico June 29, 1785. Send to Señor Don Felix del Rey so that . he may expound to me his legal opinion. (Signed) Galvez.

Most Excellent Sir: The crime of rebellion of which Jorge Rapalie was accused, merits more minute detail for its justifica-

tion than that employed by Lieutenant Colonel Felipe Treviño. Commander of the Post of Natchez. This Official, deprived of counsel there, committed quite a number of legal mistakes which may be regarded as a deviation from rectitude in a cause of State and Lieutenant Colonel Bouligny imitates him in some things at the same time that he censures him in others.

These are the errors the criminal case carried, through proceedings that Ordinances have decreed for soldiers only and Rapalie being a civilian, action should have been taken against him in Natchez, without the assistance of witnesses, who supplied the lack of an Escribano (Clerk of the Court) because it is solely in crimes that have to be judged in Council of War, that the Fiscal is permitted to name a subaltern for this office and is more notable that Commissioner Francisco Bouligny continues this mistake in New Orleans, where there are two Escribanos.

Besides this, the demand for the corpus delicti is omitted which is the basis for the investigation and which gives consistency to the criminal's confession, or the testimony of the witnesses. If it is realized even though only a plan to attempt a revolution by Rapalie, it was indefectible to find out by some means, that conspirators intended to take part in it, in accordance with Jorge (Jaime) Elliot's declaration.

In the supposition that Don Felipe Treviño obtained progressively all the information included in Elliot's extensive declaration and that he possessed them clearly and distinctly at the time of Rapalie's arrest, he should have agreed to combine other measures of no less importance as were that of appointing subalterns informally, who simultaneously were empowered for all the papers of the pretended accused, as also of Colone! Galliard and to inspect the rural and urban residences of these as well as some of their relatives.

Then it was impossible that the existence of a list of fortynine conspirators should be left unconfirmed; the correspondence with the Chacta and Chicacha Nations who were understood to be auxiliaries of the rebellion; the deposit of eight hundred pounds of powder provided for its success; the concealment of two Indians of one of these Tribes to carry information; Galliard's proposition to arm his slaves and all other acts that they could produce convincingly, of Rapalie's real intention and who were his accomplices.

With a like accuracy, the crime of offended Majesty, is worthy of investigation, for which there is no lack of material, nor exception of persons. Rapalie and any other aliens, who attempted this heinous sacrilege are subject to its punishment even though they have not taken the oath of allegiance. The cohabitation in the Dominions of His Catholic Majesty, produces by itself alone, the obligation not to violate the sacred rights of

the Crown and the oath should not be adhered to for any other purpose than to guarantee the fulfillment of this obligation. Justice compels and Religion is guarantor and for these principles all Englishmen should be punished who were engaged in the rebellion, even though they are under shadow of the protection of the hospitality of emigration, notwithstanding the excuse of not having sworn allegince to the new owner who possesses the territory by title of conquest. But it is grievous to have mistaken the means to discover the revolt up to the point of clarity, as suffices in crimes of privileged proofs. Nothing from the repeated confrontations of the accused with the witnesses is useful although it has violated a profound maxim for prudence and for society, which is to hold in inviolable secrecy, the names of the accusers and deponents. With less security who would reveal a crime of State without becoming exposed to the hatred and vengeance of those who bear connections with the Traitor.

In the meantime the attributive acts of the rebellion are without proof. It is Elliot who positively charges Rapalie, but his deposition is not impartial because he takes the part of denouncer in the process as he indicates and confirms it himself. Don Felipe Treviño, in his letter of March fourth of this year, wherein he makes a statement not compatible with that of the witness and even much less from the series of passages to which he refers, whereby Elliot is shown to have tempted and provoked Rapalie to express himself freely, pretending to be, himself, a follower of his mode of thought, besides he says that Rapalie has answered Elliot in the same spirit, namely to sound the depth of his feelings so that they both examined and observed eath other reciprocally and it is not strange that Rapalie feigned projects analogous to the same ideas that Eliot had set forth in his conversation.

In addition to this the denouncer increased his account excessively because the witnesses he cites change much of what he relates with restrictive variations in Rapalie's words and intention in terms of which some judged fanatical, and others the words of a declaimer in a Catholic Possession in that country, perhaps in odium of the Commander against whom he held resentment. It is most certain that being conversant in these affairs, at the table and in the afternoon, moments when wine took predominance over reason and fear, Rapalie gave loose rein to his tongue, under the stimulus of the provocation of Elliot and others, his natural affection for his native country was inflamed, which is not for the land itself, but for society, legislation and native customs.

If his perfidy had been other, a clear investigation of it has not yet been well carried out, not so much for his exaggeration to other inhabitants of possible, or presumed complicity, as that they should have succeeded in discovering them and should have agreed to extirpate them. But because the first acts of the inquisition and public proceedings erred, the procedure is very late in advancing information against sagacious persons who have joined the conspiracy and fully protected themselves against being convicted of adherence to Rapalie.

Nevertheless this person must be banished from that Domain, as well as from all others of his Catholic Majesty even though he has not been convicted in sufficient form of law of the crime of rebellion of which he has been accused, whatever may have been the articles of surrender in the conquest of that Fortress. Rapalie has no right to remain there because far from being a citizen at the time of the conquest of that possession, by Spanish arms, he came into the country illegally in the year eighty-one, as he affirms in his first examination set down in this process.

Although the rights of legitimate citizenship would have helped him, these same call for his ejection from a Province from which it is noted that he wished to revolt; for public declamations against the government; for abusive utterances against what was ordered; for conversations, at least outwardly, seditious; for a republican and independent spirit, for an unquenchable love for his native country, for any one of these reasons, a vassal, by birth, would have to suffer exile, according to law 7, Title 4, Book 3, of the Indies.

Therefore because Rapalie is now a prisoner in New Orleans, because his estate is declared insolvent and does not suffice for his liabilities, as so many witnesses have stated and because the liquidation and payment of his creditors can be expedited by his brother-in-law, Ricardo Ellis, with instructions and sufficient power of attorney, May it please Your Excellency to issue a decree to the Governor of Louisiana, directing him to cause Rapalie's wife and children to go down from Natchez, to join her husband. Steps must be taken for his embarkation on the first ship sailing from the Balize for any of the Anglo-American Ports, either in the United States, or Great Britain, as the said Rapalie may choose. He must be permitted to draw from his estate, what is indispensable and necessary for the costs of his emigration, with preference to the payment of his creditors and that he leave recognized instructions for the Governor and legalized power of attorney to a person in his confidence for the sale of his property, to adjust his accounts with his creditors and debtors and to pay and collect balances. Colonel Gaillard is often mentioned in the seditious conversations that have been quoted in the process, although no known act of entanglement in it has been attributed to him. On the contrary, he is the most respected person among the English inhabitants of that settlement, according to authority, and that his rank, age, accomplishments and fortune have won esteem for him.

Therefore it would cause very great anxiety if the least seed of fermentation remained there. The same was compromised during the previous year each time anyone would not agree to profess his vassalage, he had to leave the Spanish Domains. It is most advisable not to delay his actual emigration and should he put off with the excuse that it is necessary to build a boat in which to make the journey because of the depth of the river, or because the Balize was not open to traffic for flags of his nation. The Governor of that Province, in his letter of April the twentyfirst of this year, widely proposes a compromise, very adaptable to the circumstances, which is that Gaillard be permitted to charter a ship for freight that will carry Rapalie to the said Balize, as a precaution against serious objections to prevent his departure to other parts. And so may it please Your Excellency to command it, with a warning that if he does not do so within an adequate space of time, he will be made to go down to New Orleans, or the Royal Catholic Island where he must live until the moment of sailing, for this proceeding, in case it should have to be compulsory, prudent means must be taken to avoid any agitation among his partisans in Natchez. An account must be given to His Majesty, with a certified copy of this cause for his Sovereign knowledge and approval.

Mexico, July 9, 1785. (Signed) (Felix del) Rey.

Mexico, July 18, 1785. Not
Galverz accepts del Rey's legal advice and vice that the Auditor of War of this Viceroyalship, Felix del Rey, has laid before me upon the later events that happened in Natchez, seems regular to me, a new proceeding is required against Jorge Rapalie and Colonel Jacito Gaillard, for their conduct as observed, the respective summary must be continued immediately so that in consequence of what may ultimately result from it, a decree that the guilt merits may be rendered, that would be justified against each one of the forenamed persons. (Signed) El Conde de Galvez.

Governor Miro, on Juan del Postigo's ad the twenty-third of February of the year one thousand seven hundred and eighty-six, Estevan Miro, Colonel of the Royal Armies and Political and Military Governor of this city, said that in virtue of the official letter from His Excellency, Count Galvez, Lieutenant General of the Royal Armies, Governor and Captain General of the Province of Louisiana and Both Floridas, and Viceroy of New Spain, dated November the twenty-second of one thousand seven hundred and eighty-five, in which His Excellency agrees with the opinion of Feliz del Rey, Judge of the Royal Audiencia of Mexico and Auditor of War for that Viceroyalty, in the cause that is prosecuted against Jorge Rapalie for the crime of attempted revolution, it was ordered that the original official letter be attached to these proceedings and that the said Rapalie will be notified by the Escribano for War of the contents

of the sentence, for this is his decree, so he has ordered and signed, to which the Escribano attests. (Signed) Estevan Miro; Licenciado Postigo; Before Rafael Perdomo, Notary Public and Clerk of the Court for War.

From what Your Lordship tells Count Galvez's Official Letter. me in your letter of the 24th of last September and from what I have ascertained in the process drawn up, Jacito Gaillard, Ricardo Ellis and Sutton Bankes because of having called together a number of residents to hold a suspicious meeting at Guillermo Brocus' house, including this last named person had little connection with what constituted the cause against George Rapalie and in consequence it is well that Your Lordship did not continue taking testimony for the prosecution of either one or the other, as I decreed it, dated the 18th of July, when returning to you the judicial proceedings against the said Rapalie. Considering this Your Lordship can put into execution all the points that may be included in the advice of the Auditor of War of this Captaincy General of New Spain, with which I have now agreed, for convenience. Attach a copy of this official letter to the said cause of Rapalie, so that my agreement with the opinion of the said Auditor may appear in it.

May Our Lord preserve Your Lordship many years. Mexico, November 22, 1785. (Signed) El Conde de Galvez.

George Rapalie petitions to be given the money from his seized property to leave the Province.

George Rapalie, with the most profound respect, presents himself before Your Lordship and says that having been informed of the decision of His Excellency, Count de Galvez, relative to his affairs and desiring to avail himself of the first opportune occasion to conform to it, he prays to have assigned to him a sum of money sufficient to pay for his passage and the expenses of the voyage. This is the favor that he hopes to receive from the righteous justice that Your Lord-

Let there be delivered to George Rapalie, from the funds that are in the keeping of Joseph Ducros, General Receiver, the sum of three hundred pesos to convey the abovesaid and his family from this Province, for which he must give a corresponding receipt before the present Escribano, who will notify the General Receiver of this decree, in whose keeping the funds exist, realized from the sale of the two negroes belonging to the said Rapalie. (Signed) Miro; Postigo.

ship administers. (Signed) George Rapalie.

Dated this day, a receipt was drawn up by George Rapalie, in favor of Josef Ducros, as provided in the foregoing decree. New Orleans, the first of April of the year one thousand seven hundred and eighty-six, to which the Escribano attests. (Signed) Perdomo.

(To be continued.)